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Legislative Assembly of Ontario

Second Session, 36th Parliament

Assemblée législative de l'Ontario

Deuxième session, 36^e législature

Official Report of Debates (Hansard)

Thursday 7 May 1998

Journal des débats (Hansard)

Jeudi 7 mai 1998

Standing committee on
administration of justice

Organization

Comité permanent de
l'administration de la justice

Organisation



Chair: Jerry J. Ouellette
Clerk: Douglas Arnott

Président : Jerry J. Ouellette
Greffier : Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
ADMINISTRATION OF JUSTICECOMITÉ PERMANENT DE
L'ADMINISTRATION DE LA JUSTICE

Thursday 7 May 1998

Jeudi 7 mai 1998

The committee met at 1525 in committee room 1.

ELECTION OF CHAIR

Clerk of the Committee (Mr Doug Arnott): Honourable members, it is my duty to call upon you to elect a Chair of the committee. Are there any nominations, please?

Mr Tony Martin (Sault Ste Marie): I'd like to nominate John Gerretsen.

Mr E.J. Douglas Rollins (Quinte): I move that Jerry Ouellette be elected Chairman.

Clerk of the Committee: Are there any further nominations? There being no further nominations, I declare nominations closed and Mr Ouellette duly elected Chair of the committee.

Mr John Gerretsen (Kingston and The Islands): Wait a minute. I've been nominated as well. I think it should be an election. If Hansard recorded that I've been nominated, then I will decline the nomination.

Interjections.

Clerk of the Committee: Mr Ouellette is declared duly nominated Chair of the committee.

The Chair (Mr Jerry J. Ouellette): Thank you, Mr Clerk and members of the committee. A comment was brought forward about how fair I'll be. If the member would check to see past performance of the future dictator, I believe that any time I've been able to sit in the Chair position I've been extremely fair, sometimes not to the benefit of myself afterwards. As I said, past performance of the future dictator, and I think if you read the record, you'll find that I have been extremely so and I will continue to do so.

Mr Gerretsen: That's encouraging. Now do you want our opinion?

ELECTION OF VICE-CHAIR

The Chair: If we can call order, at this time I'd like to call for nominations for Vice-Chair.

Mrs Lillian Ross (Hamilton West): I'd like to nominate Doug Rollins as Vice-Chair.

The Chair: Are there any further nominations?

Mr Gerretsen: I'd like to go on the record, right now. I just want the record to show —

The Chair: And the record shall show. I shall call for further nominations again. Seeing no further nominations,

then we have Doug Rollins as the Vice-Chair. Welcome, Doug.

APPOINTMENT OF SUBCOMMITTEE

The Chair: We need a motion now to appoint a subcommittee on committee business.

Mr E.J. Douglas Rollins (Quinte): I move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair, or at the request of any member thereof, to consider and report to the committee on the business of the committee; that the presence of all members of the subcommittee is necessary to constitute a meeting; and that the subcommittee be composed of the following members: the Chair, Mr Ouellette, as chair, and myself, Mr Ramsay and Mr Kormos; and that substitution be permitted on the subcommittee.

The Chair: Any debate on the motion put forward?

Mr Gerretsen: What's wrong with Mr Boushy and Mr Martin?

Mr Gerry Martiniuk (Cambridge): I'm sorry, Mr Chair. You've got both the Chair and the Vice-Chair on the subcommittee. The Chair is on the subcommittee and you have the Vice-Chair being the member on the subcommittee. I don't think so.

Mr Rollins: I thought it should have been Gerry Martiniuk.

Mr Martiniuk: I believe it is either me or Lillian Ross who will be the lead person on the bill that we're going to hear.

Mr Rollins: Then I will take my name off and put Martiniuk on there.

The Chair: So you are amending the motion, Mr Rollins.

Mr Rollins: Removing the name Rollins and inserting Gerry Martiniuk.

Mr Gerretsen: I think Mr Rollins makes a much better Vice-Chair.

Mr Rollins: Thank you. You're so agreeable.

The Chair: Is there any further debate on the motion? Can we have the names repeated of the individuals on your motion, please.

Mr Rollins: The subcommittee will comprise the following people: the Chair, Mr Jerry Ouellette, Mr Martiniuk, Mr Ramsay and Mr Kormos.

Mr Gerretsen: What happened to Mrs Ross?

The Chair: We've had debate now. I think we call a vote on this. All in favour of the motion? Carried unanimously.

Just for the committee's understanding, there have been three bills that have been called to this committee and at the request of myself the subcommittee will meet to

discuss the committee business of the three bills that have been brought forward. Unless there's any further business that needs to come forward, that concludes the meeting. I will call the subcommittee to meet immediately after the closing of this meeting.

The committee adjourned at 1531.

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STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Chair / Président

Mr Jerry J. Ouellette (Oshawa PC)

Vice-Chair / Vice-Président

Mr E.J. Douglas Rollins (Quinte PC)

Mr Dave Boushy (Sarnia PC)
Mr Bruce Crozier (Essex South / -Sud L)
Mr Peter Kormos (Welland-Thorold ND)
Mr Gerry Martiniuk (Cambridge PC)
Mr Jerry J. Ouellette (Oshawa PC)
Mr David Ramsay (Timiskaming L)
Mr E.J. Douglas Rollins (Quinte PC)
Mr R. Gary Stewart (Peterborough PC)
Mr Bob Wood (London South / -Sud PC)

Substitutions / Membres remplaçants

Mr John Gerretsen (Kingston and The Islands / Kingston et Les Îles L)
Mr Tony Martin (Sault Ste Marie ND)
Mrs Lillian Ross (Hamilton West / -Ouest PC)

Clerk / Greffier

Mr Douglas Arnott

Staff / Personnel

Mr Avrum Fenson, research officer, Legislative Research Service



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Second Session, 36th Parliament

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de l'Ontario**

Deuxième session, 36^e législature

**Official Report
of Debates
(Hansard)**

Tuesday 12 May 1998

**Journal
des débats
(Hansard)**

Mardi 12 mai 1998

**Standing committee on
administration of justice**

Partnerships Statute Law
Amendment Act, 1998

**Comité permanent de
l'administration de la justice**

Loi de 1998 modifiant des lois
en ce qui concerne
les sociétés en nom collectif



Chair: Jerry J. Ouellette
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STANDING COMMITTEE ON
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE
L'ADMINISTRATION DE LA JUSTICE

Mardi 12 mai 1998

*The committee met at 1533 in committee room 1.*PARTNERSHIPS STATUTE LAW
AMENDMENT ACT, 1998
LOI DE 1998 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LES SOCIÉTÉS EN NOM COLLECTIF

Consideration of Bill 6, An Act to amend the law with respect to Partnerships / Projet de loi 6, Loi visant à modifier des lois en ce qui concerne les sociétés en nom collectif.

The Chair (Mr Jerry J. Ouellette): Good afternoon, everyone, and welcome to the standing committee on administration of justice. I thank everybody for taking the time to be here this afternoon to discuss Bill 6.

The first matter to be dealt with is a report of the subcommittee on the committee business dated Thursday, May 7. Would somebody be prepared to move the adoption of the report?

Mr Mike Colle (Oakwood): I'll so move.

The Chair: Second? Mr Martin, so moved.

Is there any discussion on the report? If not, all those in favour? Opposed? Carried.

As per the minutes of the subcommittee, we will have a person from the ministry come forward and do a briefing on that. I believe we have Mr Doppelt. If you could come forward and identify yourself for Hansard, please.

MINISTRY OF CONSUMER AND
COMMERCIAL RELATIONS

Mr Allen Doppelt: My name is Allen Doppelt and I am senior counsel with the legal services branch of the Ministry of Consumer and Commercial Relations. I'm going to be giving a brief overview of the bill. I have a handout here for the members.

What I thought I would do is just briefly go through my handout and give an overview of what the legislation is all about. I'll begin with, first of all, what is a limited liability partnership?

A general partnership is a partnership in which all the partners carry on business in common with a view to profit. They share the losses and the individual partners have unlimited personal liability. In other words, if the partnership is sued and the partnership assets aren't suffi-

cient to satisfy a judgement, then all of the partners' personal assets are liable to seizure and sale.

A limited liability partnership is so called because it makes one major change in the general law relating to general partnerships. Unlike a general partnership, a partner in an LLP, as I call a limited liability partnership, is not personally liable for any liability arising from the negligence of another partner. In other words, let's say in the case of a profession, if one of the partners is negligent, the partnership assets and insurance are available to satisfy any judgement and the partner who is negligent will be personally liable, but the non-negligent partners will not be liable and their personal assets will be protected from seizure and sale.

This concept of a limited liability partnership originated in the United States, and almost every single American state now has such legislation, I think 47 out of 50 American states and a couple of the districts. They've basically adopted this legislation since 1991. The reason they did this is a response to the liability crisis in the United States, particularly for professionals, where there were enormous awards of damages and insurance coverage simply wasn't sufficient. This was particularly true in the case of auditing. To date, there is no Canadian jurisdiction that has such legislation. If we adopt this legislation, we will be the first in Canada.

Next, who may form an LLP? What the bill provides is in section 6 of the bill. It contains four new sections that are added to the Partnerships Act. Basically, LLPs may be formed only by professionals whose governing legislation permits LLPs to practise the profession. Initially, only the Chartered Accountants Act, 1956, will be amended to allow that profession to form LLPs. Chartered accountants have expressed a need for LLP status because of their concern that the international insurance market doesn't permit sufficient coverage with respect to their large potential liability associated with auditing financial institutions and other public companies. Other professions may request LLP status when their governing bodies consider it appropriate.

This type of status may not be appropriate for all professions. The legislation is structured in such a way as to provide an opportunity for government and the Legislature to consider the policy issues relevant to each profession, including the extent of liability exposure, the availability of insurance and the sophistication of the clients.

1540

How are LLPs formed? We have a very simple procedure for their formation. This is the new section 44.1 that is in section 6 of the bill. The new section 44.1 of the Partnerships Act basically says that an LLP is formed by a written partnership agreement designating the partnership as an LLP subject to the Partnerships Act. Existing partnerships can convert into an LLP by amending their partnership agreements. The partners, however, remain fully liable for all partnership debts and liabilities that arose before the conversion into an LLP.

The fact is that the partnership agreement isn't sufficient in itself. There are three basic requirements before an LLP can carry on business in Ontario. First of all — and this is in the new section 44.2 of the Partnerships Act, which is also in section 6 of the bill — the legislation governing a profession must be amended to permit the LLPs to practise that profession. Secondly, the professional governing body must establish mandatory minimum insurance coverage. That's basically for the protection of their clients. Thirdly, the LLP must register its name under the Business Names Act, and there are two name rules that apply. First of all, the LLP must identify itself as a limited liability partnership by including the words "limited liability partnership" or the abbreviation LLP or a French equivalent in the name and, secondly, the LLP must carry on business only under the registered business name.

As well, the bill provides for extraprovincial LLPs to carry on business in Ontario, and it's likely the case that, once this bill is passed in Ontario, many other Canadian jurisdictions will pass similar legislation. There are two basic requirements for the extraprovincial LLPs. First, they can only practise a profession which Ontario LLPs are authorized to practise and, secondly, they must register their names under the Business Names Act.

In other words, if a New York LLP wished to come into Ontario and practise, of course it would have to meet the general professional requirements of that profession and, as well, meet these requirements. The law under which that extraprovincial LLP is formed would determine how it is governed and the personal liability of its partners. One would anticipate that, since we would grant the status to extraprovincial LLPs, if Ontario LLPs wanted to practise in another jurisdiction, they would be accorded a similar ability to practise. That's just a brief overview of the legislation.

The Chair: Thank you very much. Are there any questions from the floor at this time?

Mr Bruce Crozier (Essex South): With regard to section 6, 44.2(b), "the governing body of the profession requires" etc, where it refers to liability insurance and it uses the word "minimum," how is that established? Is it under regulation? Does the association or the governing body itself determine what's minimum?

Mr Doppelt: Yes, the governing body itself determines the amount of minimum insurance, because the governing body has an obligation to act in the public interest since it's acting under legislation that governs that

profession and knows that profession and the extent of its potential liability. I know in the case of the Institute of Chartered Accountants their minimum insurance requirements are established by bylaws that have been made pursuant to their governing statute. I believe, for partnerships that have four or more partners, the minimum amount of insurance is \$1 million.

The Chair: Further questions? Seeing no further questions, we thank you very much for your presentation.

INSTITUTE OF CHARTERED ACCOUNTANTS OF ONTARIO

The Chair: For our first presentation we would ask the Institute of Chartered Accountants of Ontario to come forward, and if you could identify yourselves for Hansard as well before you start. You may or may not know that you have 20 minutes for presentation time. If there's any remaining time, it is to be divided equally between the three parties for questions and answers. You may begin, please. Thanks again for joining us.

Mr Dave Wilson: Good afternoon, members of the committee. My name is Dave Wilson and I'm the CEO of the Institute of Chartered Accountants of Ontario. Joining me are Tom Warner, the institute's registrar, and Kevin McGuire, our associate director of government affairs. We appreciate the opportunity to tell this committee of our wholehearted support for Bill 6.

Since all parties in the Legislature have expressed support for the bill, I will only note briefly the merits of establishing limited liability partnerships in Ontario. Then I will describe the extensive steps that the Institute of Chartered Accountants of Ontario has taken to meet its requirements to protect the public under LLP legislation.

In brief, LLPs are about fairness. Bill 6 provides that fairness. It protects only the personal assets of a partner from a claim that arises from an act of another partner or a person under the direct supervision and control of another partner. At the same time, a person who has a claim arising from an act of negligence may seek remedy from all the assets of the responsible partner, including his or her personal assets, and all the assets of the partnership, including the investment in the partnership of the non-responsible partners.

The act is simple, it has no tax implications and it is easy to administer.

The act protects the 3,395 CAs who are partners in Ontario CA firms. It provides the same protection to partners in the 576 offices of local firms as those in the 194 offices of regional firms and those in the 64 offices of the so-called Big Six national firms. Is it fair for partners in any of these firms to lose their houses, cars and other personal assets when they have had no involvement in a situation for which one of their partners is responsible? The answer is clearly no. LLPs will rectify this inequity.

The partners I am talking about are real people. To relate this excellent legislation to them, I understand that

you will be hearing from three chartered accountants who personify the types of situations I have just mentioned. One is from the Belleville office of a regional firm in eastern Ontario, the second is from the Sault Ste Marie office of a firm with 57 offices in Ontario and the third is from the Kitchener-Waterloo office of a national firm that has 14 offices in Ontario.

The CA profession has led the call for LLPs in Canada because, like their public accountant counterparts throughout the world, they carry extremely unfair professional liability exposure. They have monitored developments in other jurisdictions and have found the introduction of LLPs in the United States to be an important step in remedying the exposure problem.

Limited liability partnerships were introduced as a form of business organization in the United States, in Texas, in 1991. Since then, legislation to establish them has been adopted in 52 of the US's 53 jurisdictions, and it is pending in Vermont, the 53rd jurisdiction. The very satisfactory US experience has demonstrated that LLPs operate in the interests of both the public and individuals serving the public in partnership organizations.

In seeking LLP legislation in Ontario, the Institute of Chartered Accountants has worked extensively with the Ministry of Consumer and Commercial Relations. We have developed, and obtained their approval for, a detailed plan for the registration of LLPs and the notification of firm clients and the general public. We have also satisfied the ministry's requirements to provide for minimum insurance levels.

The review of LLPs and their impact on the CA profession and consumers of audit services has been extensive. References that this committee might find particularly relevant are a March 1998 report of the Canadian Senate's committee on banking, trade and commerce and the support expressed for LLPs by both of Ontario's two other accounting bodies. The unanimous Senate committee report specifically calls for provincial legislation to provide for LLPs. A February 1997 certified general accountants' brief to the Ministry of Consumer and Commercial Relations and the Ministry of the Attorney General supports the introduction of LLPs. I am pleased to table these expressions of support for the record.

David Hipgrave, the executive director of the Society of Management Accountants of Ontario, the second-largest accounting body in Ontario, has joined us this afternoon. I am pleased to table a letter from him reiterating the CMA's support for Bill 6.

1550

The particulars of our implementation arrangements with the ministry include satisfying it on the contents of the communications that LLPs must make to their clients to ensure that the clients understand what an LLP is and to indicate to their clients that they maintain the required insurance coverage. I am pleased to table copies of the letters they are required to send to clients about LLPs.

The institute is also committed to providing detailed information to the public about LLPs and developing a fact sheet explaining LLPs to the public. Once the bill

becomes law, the fact sheet will be available on the institute's public Web site and will be circulated to other professional bodies and business and consumer groups. As well, the institute will issue a news release on LLPs and will answer any queries directed to it. I am pleased to table with the committee a copy of the institute's LLP fact sheet.

In our work to develop LLPs, we have appreciated the understanding and support expressed by representatives of all parties in the Legislature and we have found the ministry's officials to be exemplary in their cooperation and helpfulness. We are proud to have pioneered LLPs with them.

We expect that other professions with members to which LLPs would be applicable will seek amendment of their legislation to provide LLPs. When they pursue the due process necessary to establish the merit for such amendments and develop the related implementation provisions that must precede such amendments, we can assure them that they will be well pleased in working with the ministry.

Members of the committee, we thank you for your attention. I hope you will recommend that Bill 6 be brought forward for third reading without delay. I would be pleased to answer any questions.

The Chair: Thank you very much for your presentation. That allows us approximately four minutes per caucus, and we begin with the official opposition. Questions? No questions. From the third party, Mr Martin, any questions? No? From the government caucus, any questions?

Mrs Lillian Ross (Hamilton West): No, I don't think so either. Thank you very much for your presentation.

The Chair: Thank you very much for taking the time to bring your position forward today.

CERTIFIED GENERAL ACCOUNTANTS ASSOCIATION OF ONTARIO

The Chair: I now ask the Certified General Accountants Association of Ontario to come forward. In case you may not have heard, you have 20 minutes for your presentation. If you could identify yourselves for Hansard prior to beginning, we would appreciate it. Thank you for taking the time to come out today to give us your position. You may begin.

Mr Ralph Palumbo: My name is Ralph Palumbo. I am in-house counsel and the director of government relations and legislative affairs for the Certified General Accountants Association of Ontario. With me here today is Gordon Fuller, the association's executive director.

At the outset, let me say that we welcome the opportunity to present our views on the provisions of Bill 6 and we congratulate the government for undertaking this important initiative.

To place the issue in its proper context, let me briefly outline a little bit about CGA Ontario so you will see that the association meets the requirements, in our view, of section 6 of the bill.

CGA Ontario is an association of professional accountants representing approximately 11,000 certified general accountants and approximately 11,500 students across Ontario. It is recognized by statute, that being the Certified General Accountants Association Act, 1983. Our members are bound by a code of ethics and a mandatory professional development program which requires lifelong learning and upgrading. In addition, CGAs who offer their accounting services to the public are required to maintain professional liability insurance and are subject to regular reviews of their accounting practices. Finally, CGA Ontario maintains a rigorous discipline process governing all of its members.

As to where our members are found, they are found everywhere in the economy: in industry, in commerce and in finance, in all levels of government, as well as in offering their accounting services to the public as independent practitioners.

As you may be aware, CGA Ontario has been involved in policy discussions with the Ministry of Consumer and Commercial Relations and the Ministry of the Attorney General through submissions we filed in the spring of 1997 and then a further paper in November 1997. We were pleased to present our proposals then, and we understand that they were well received.

Since Bill 6 deals with the establishment of limited liability partnerships, let me focus on that issue alone. As you've heard, the premise of the bill is that members of a profession should be permitted to organize themselves into what are called limited liability partnerships. As you're aware, in general partnerships all partners are liable for all of the partnership's debts and liabilities. With the LLPs, that is not the case. It has long been felt that it was unfair and too onerous a penalty to impose liability on a partner and expose his or her personal assets to seizure by creditors for acts of negligence committed by someone else, that is, his or her partner. Therefore, the bill proposes that partners in limited liability partnerships are not liable for the negligent acts of another partner.

We would like to make it clear that CGA Ontario supports Bill 6 and the notion of limited liability partnerships. That is not in doubt. However, there is one omission that concerns us greatly.

Section 6, as you've heard, provides that a limited liability partnership may carry on business in Ontario only for the purpose of practising a profession. However, for that limited liability partnership to practise that profession, its governing statute must expressly permit it. In that regard, Bill 6 mentions only one professional group, and that is the chartered accountants. Since their governing statute doesn't expressly permit such a partnership to practise the accounting profession, Bill 6 amends that act so the LLPs can be formed.

Our concern, of course, is that Bill 6 fails to provide members of CGA Ontario with that same opportunity. Our governing legislation doesn't expressly provide for LLPs, doesn't expressly provide that our members may practise the CGA profession as a limited liability partnership. We believe this is an omission which should be rectified.

Frankly, we do not believe there is any reason why the two accounting designations ought to be treated differently. Either the principle applies to all professions that meet the requirements of section 6 or it applies to no one. It is for that reason that an amendment to our legislation is required.

In our view, the opportunity to practise as an LLP ought to apply to the independent practices of our members. As it now stands, Bill 6 seriously and unnecessarily differentiates or distorts the reality of the accounting profession, since chartered accountants are not alone in offering services to the public through practice firms. That is why we are asking today that the committee recommend that the CGA act of Ontario be amended in the same fashion as the CA act.

We're aware that the impetus for the bill was a concern expressed by chartered accountants that large liability claims were making it extremely difficult to obtain the professional liability insurance that would cover those claims. However, we believe a distinction must be drawn between the impetus for the bill — how it came about and why it came about — and how it is applied. Surely the bill ought not to focus solely on chartered accountant firms that operate as partnerships when other groups that meet the requirements of the act require some protection as well. I understand that chartered accountants are concerned that unless limited liability partnerships are permitted, they will continue to be exposed to personal liability for the negligent acts of their partners. However, CGAs have the same concerns. Many of our members practise in partnerships, and they ought to be protected from liability concerns, the very liability concerns that Bill 6 attempts to deal with.

1600

One other matter deserves your consideration, I believe, that there is a view that the issue of LLPs is only applicable to large multinational accounting firms that face large liability claims. In our view, neither the size of the accounting firm nor the amount of potential liability to which they may be subject should determine whether they're covered by Bill 6. While we understand the reality of large liability claims, CGA firms face similar worries. In fact, we would argue that even a small judgement against a small firm and its partners can affect its ability to carry on its operations.

Furthermore, even if smaller firms were able to obtain adequate liability insurance, that is no reason to deny them the protection afforded by Bill 6. If the bill is intended to avoid the possibility that an accountant's personal assets be subject to seizure because of the negligent acts of partners, then that principle ought to be applied to both large and small firms and to firms operated both by chartered accountants and certified general accountants.

I'd also like to point out that not all chartered accountants practise and operate in large firms. Many operate in the same manner as our members, that is, in smaller firms. The bill recognizes that, because section 13.1 talks about "Two or more members of the institute...", recognizing that small firms require this protection as well.

We're here today because CGA Ontario believes that Bill 6 ought to be amended by including a provision similar to that contained in section 13.1 of the bill. We want the bill to expressly cover CGAs who practise in partnerships. This amendment doesn't affect the bill in any way, nor does it take anything away from members of the institute. It's simply a complementary amendment.

Lastly, let me leave the committee with one final thought. If certified general accountants in public practice are left out of Bill 6, how do we go back to our members and explain that the provincial government has decided that their competitors, the chartered accountants, are protected by the legislation while they are not? How do we tell them that their personal assets will continue to be subject to claims as a result of negligent acts of their partners while their competitors have no such worries? How does the government frankly defend that? All we're asking is that there be a level playing field. That's all we're asking. It has nothing to do with any issue other than that. Our members are in the marketplace. They offer their services like other accountants and there's no good public policy reason to treat them any differently.

Again, we're here to respectfully urge you to support the amendment that I've outlined. I thank you very much for your time and consideration.

The Chair: Thank you very much for your presentation. That affords each caucus approximately three minutes for questions, and we'll start with the third party. Mr Martin.

Mr Tony Martin (Sault Ste Marie): I'm intrigued somewhat with the issue of the playing field and how perhaps this legislation may tilt somewhat in favour of the chartered accountants in your view and going back to your members to say to them that the chartered accountants have a different set of parameters within which they operate than you do. Are there any specific areas you could point to that would in fact make that true?

Mr Gordon Fuller: I'd say that in basic principle what we're looking at is a piece of legislation talking about how individual business people can operate in partnership with each other. The general principle of that is that they should be limited in terms of liability vis-à-vis the actions of each other and it should be applicable in the context of professional practice, in all kinds of professional practices in this province and across this country.

We don't believe the legislation should be directed to one particular type of function based on a demonstrated need at a particular point in time. This is a business form of incorporation, and to distinguish and differentiate between different types of business organizations in a professional context is inherently wrong. The legislation shouldn't be focused simply on one particular issue but on the broader issue of whether professional practices of any kind are entitled to similar types of protection, and if not, why should you discriminate in favour of one particular form and against other forms?

Mr Martin: There is also a concern raised about the introduction of the amendment here that suggests that

because your act does not govern the profession of certified general accountants —

Mr Fuller: If I may quickly, that was not the concern. The CGA act governs the profession of certified general accountancy, but the act itself does not specifically provide for limited liability partnerships. In that sense, we're in exactly the same situation as under the chartered accountancy act.

The Chair: We'll now move to the government caucus.

Mrs Ross: Thank you very much for making your presentation. It's my understanding that this LLP proposal has been on the books for some time. How long have you known about the fact that CAs have requested LLPs and were working with the ministry to come forward with that?

Mr Fuller: We've known for the last two years. We have been in discussions with the ministry people, with staff in the ministry. We've made two submissions on these issues. We have continually asked to see copies of the legislation that was being proposed. We never got those copies. Otherwise we would have made these points six months ago.

Mrs Ross: One of the requirements under this act is the insurance issue. Can you tell me what sort of mandatory minimum insurance CGAs are experiencing?

Mr Fuller: We have mandatory liability insurance in place for our CGAs who offer services to the public. Minimum coverage is \$1 million, with a \$3-million aggregate per claim.

Mrs Ross: Just for the record, as parliamentary assistant to Minister David Tsubouchi, I want to tell you that we are prepared to work with you to come forward with LLP legislation to assist you in what you're trying to do.

Unfortunately, the amendment that is put forward contradicts certain parts of this act and we're not prepared to come forward with that amendment, but we're prepared to work with you and develop policy and check the policy and the insurance and all those things that have to be checked out to make sure we protect the consumer, because the ultimate thing at the end of the road is that we protect the consumer in any legislation we bring forward. So I give you my commitment on behalf of the minister that we will work with you and expedite that process as quickly as we can.

Mr Fuller: We appreciate those comments very much. Can I just quickly ask what is in contradiction?

Mrs Ross: I guess I'll have to ask our technical expert to talk about that.

Mr Crozier: On a point of order, Mr Chair: Has the amendment been introduced?

The Chair: No, it has not.

Mr Crozier: So we're not really discussing the amendment.

Mrs Ross: I'm sorry. I heard Mr Martin talk about it.

The Chair: There is an amendment coming.

Mr Crozier: If the Chair wants to let it go, I'm not going to be a stickler, but it's difficult to discuss an amendment when it isn't on the floor.

Mrs Ross: Sorry, that's my error. I apologize for that.

My understanding is that 44.2 — sorry, we can't even talk about it at this point. Let me just put on the record again that we will work with you to ensure that LLPs come forward as quickly as possible to help you in what you're trying to do.

The Chair: We now move to the official opposition.

1610

Mr Crozier: I just have one general question. I should say for the record that I am, and am proud to be, a life member of the Certified General Accountants Association. I just wanted everybody to be aware of that.

When you mention that there has been an omission and then say in the second- or third-last paragraph that you don't disagree with it but that "all professions that meet the criteria found in section 44.2" should be included, that's not to imply that every profession in the province that may want to do this at a later date has been omitted.

Mr Palumbo: We don't know which professions are interested and which aren't. I was simply making the point that, as I looked at 44.2, we have a statute that governs us, we have liability insurance.

Mr Crozier: Essentially, you're talking about certified general accountants throughout your submission, right?

Mr Palumbo: Yes. Although, frankly, I was also speaking generally that the statute creating LLPs, and I'm mindful of Ms Ross's comments, ought not to be directed solely to one group. Presumably it's a statute that applies province-wide to groups that can meet the requirements of section 6. My point is that I'm here specifically to speak about CGAs because I don't know about other groups. Surely the focus of the bill isn't on one group and that was really the point.

Mr Crozier: The amendments to the Partnerships Act do apply to everybody.

The Chair: Thank you very much for your presentation. We appreciate the time for you coming forward.

DELOITTE AND TOUCHE

BDO DUNWOODY

WELCH AND COMPANY

The Chair: We have a joint presentation next. If the presenters could come forward and identify themselves and the organization they are with, we would appreciate it.

Mr Don Craig: My name is Don Craig. I'm a partner with Deloitte and Touche.

Mr Tom Ambeault: My name is Tom Ambeault. I'm a partner with BDO Dunwoody in Sault Ste Marie.

Mrs Eleanor Guenette: My name is Eleanor Guenette. I'm a partner with Welch and Company in Belleville.

Mr Craig: I will speak first. As I indicated, my name is Don Craig. I'm a partner with Deloitte and Touche and the office managing partner in Kitchener. I thank you for the opportunity to speak to you today.

I became a CA in 1976 and a partner in 1983. I practise in a large national firm and many of our clients oper-

ate in a global economy. With 14 offices in Ontario and approximately 230 partners, I'm sure you can appreciate it's difficult for me to know exactly what every one of my partners is doing every day of the year.

Personally, I spend a significant amount of my time auditing financial institutions, and financial institutions have been the source of a number of large lawsuits in Canada where there have been failures. I also audit a number of public companies, serving as the audit partner on those.

I have no problem taking responsibility for my actions or my failure to act properly in conducting my work as an auditor, but the question which troubles me, and which this act I think will correct, is should I also be responsible for the actions of each one of my partners? There is no doubt that if there is a lawsuit I will be affected. The firm name will be affected. The partnership's assets are at risk. But should my personal assets also be at risk?

Like many of you, I've worked very hard over my lifetime and I feel I work very hard every week. My wife doesn't work outside the home. In two years my son will be off to university and also wants to become a chartered accountant. Three years from now my daughter will be attending university. I am the primary support provider in our household.

Unfortunately, any large lawsuit where I was sued and my personal assets were at risk could cause significant hardship for my family. Would my children be able to attend university? I don't know. I could get to retirement at age 60 or 65 and have my net worth wiped out under the present situation where my personal assets are exposed as a result of a lawsuit, and this could happen even though I was not part of the engagement team.

Even the pressure of a lawsuit against the firm where I knew my assets were exposed could put unreasonable pressure on our home life as our family worried about our personal finances until the lawsuit was settled. I'm sure you're aware that many of these lawsuits, after they're started, which could be four or five years after the fact, could go on for 10, 12 or 15 years, so from the date of the action it could be 12 or 15 years later before I knew whether my personal assets would be safe.

As I said, I will take responsibility for my actions or failure to carry out my job, but I would like some protection of my personal assets if my partners fail to perform their jobs properly. I believe the amendments to the Partnerships Act and to those practising accounting under the Public Accountancy Act will provide me with that protection and I hope the bill will be passed soon.

Thank you very much. I believe my colleagues will speak and then we'll answer questions.

Mr Ambeault: My name is Tom Ambeault. I'm with BDO Dunwoody in Sault Ste Marie. I became a chartered accountant in 1980 and a partner in that firm in 1990. Locally, we have seven partners, and in Ontario we have 206 partners in 57 offices throughout Ontario. With that number of offices, you can tell we're not centred in Toronto but are throughout the province and have a pretty representative sample of all partnership in the province. I

am married with two children, one 14-year-old and one 17-year-old.

My area of practice is auditing, accounting and valuations, and that is in the aboriginal, the non-profit and the small-to-medium-sized entrepreneurs. I perceive this area of expertise to be for the most part risk-averse; that means it's not subject to a large amount of lawsuits, unlike for someone who would audit a large public company. The Sault Ste Marie office has been in existence for about 45 years under predecessor names other than BDO Dunwoody, and to date we have not had one claim against our firm.

So why am I in favour of Bill 6 to amend the Partnerships Act? What it does is limit my financial obligations for circumstances for which I am not responsible. I'm not held accountable for the acts of my partners, who could be doing something unknown to me and for which I would suffer financial consequences that could be severe and severely restrict my right to earn a livelihood.

Further, because there are risk-averse areas and high-risk areas, it could cause divisions in a partnership. Those divisions may have one area of the practice not wanting to be in partnership with another, high-risk area of the practice. Therefore, in a small centre like Sault Ste Marie where we are risk-averse, we would not want to be in partnership with a high-risk area, and therefore it may limit the amount of services we could bring into Sault Ste Marie.

The other thing is that personal assets would be protected. At my time in my career and my wife's career, retirement is not too far away and we have education of the children. We wouldn't want to see that affected by a lawsuit or something done by others which we were not responsible for.

Another thing is that my retirement is based upon the ability of the profession to attract bright people to replace me, because it is those people who replace me in the profession who are going to pay any pension income I might have. The fear of entering a profession where all your financial assets could be wiped out would be considered a negative and would therefore restrict the number of new entrants into the profession. Also, I would like to know that once I'm in retirement, all my property is still not at risk for a potential lawsuit. As Don said, these things go on for 10 years or more and I basically wouldn't be off the hook until that period had elapsed.

1620

Mrs Guenette: My name is Eleanor Guenette. I'm a partner in the Belleville office of Welch and Company. I obtained my CA in 1986 and became a partner in 1989. There are 11 partners in my office and a total of 39 partners in my firm in Ontario. I am married and have two children. My daughter, Jennifer, is six years old and my son, Bryson, is two.

Our practice in Belleville serves a wide variety of individuals, small owner-managed businesses and not-for-profit organizations. I am responsible for accounting and auditing services for many small businesses and not-for-

profit organizations, as well as preparing personal and incorporate tax returns for my clients.

I am in support of this bill and believe it to be a fair bill. This bill will give me peace of mind, knowing that my house and other assets I accumulate over my working life will not be at risk due to a claim brought against my firm as a result of an act of another partner. Since each office in our firm is run independently and each partner is responsible for his or her own clients, it is unfair to hold all partners in a firm financially accountable for the inappropriate acts of one partner.

In Belleville, our clients are of the size that perhaps you may say this is not a problem for our firm. However, we have offices in other centres, including Ottawa, where they deal with larger clients, so if a claim were brought against one of my partners in Ottawa, it could adversely affect me. At this stage of my life, I don't have a lot of assets; however, I hope to accumulate them, and again, it would give me peace of mind knowing it would not be at risk and not affect my family.

Thank you for the opportunity to present today. I appreciate it.

The Chair: I thank all of you for coming forward with a presentation. We have a little over three minutes per caucus for questions and answers, and we begin with the government caucus.

Mrs Ross: Just one quick question: Would limited liability change the way you do business at all, with respect to the way you treat your clients?

Mr Craig: Absolutely not. I think the program put forward by the institute with respect to notifying our clients of the LLP legislation is a good one, but it would not at all change the standards by which we conduct our work on a daily basis and the routine. I will still be personally responsible if I am negligent, so I would be foolish to change the way I approach my work.

As I indicated, I do a lot of public company work and a lot of financial institution work and they tend to be the high-risk clients, so not one thing would change.

Mr Crozier: I have a question that I hope the smaller firms could answer. Throughout the discussion there has been on this, albeit it was limited here today, it's been suggested that the need for limited liability partnerships would appear to be, or some would say it is, more related to the size of the firm than to the simple need for limited liability partnerships. Since you represent different-sized firms, you may have a view on that.

Mr Ambeault: Since you asked for the smaller-sized firms, and I think we're representative of that, potentially the size of the firm may indicate the size of the insurance coverage and the ability to extend beyond the insurance limits. There would probably be an eye towards viewing a potential claim that way, so a larger accounting firm may attract a larger lawsuit. The legal profession would look at the size of the coverage and the extent to which they could carry it on and the financial ability of those to pay.

Mrs Guenette: To add to that, I think this issue affects all partners in firms across the province, large or small. It's a dollars issue. Also, there's the fact that just in On-

tario we cover so much territory that, as Don said before, you can't know what your partners are doing on a day-to-day basis.

Mr Martin: I assume that the reason any of your firms would be into partnership would be to share some of the responsibility and the load and to work together; ultimately, I suppose, to do more work and take more risk in the work you do. I would also think people would be attracted to you as a firm that offers service by your size and reputation etc.

Once this act is passed and there is some relief for you re some of the liability that hangs over you at this point — you talked to it a few minutes ago rather briefly — how do we protect the consumer? What kinds of guarantees do you have within your organization, particularly the bigger organizations, that there isn't somebody out there doing things they shouldn't be doing that would ultimately put a customer at risk and who may be destroyed because of that, who can't come back and recoup the losses they've incurred because they can only go so far in terms of what and who they can sue?

Mr Craig: I think our firm is similar to the other firms. All of our reports and key working papers require a second-partner review before they're issued. We have an in-firm working paper quality control review, from members from outside the office every couple of years, and we have an institute practice inspection about every three years to make sure we're keeping up with our standards. We have a number of built-in quality control checks. The closest one to the report, as I indicated, is the second-partner review of every report and the key working papers, to make sure we've done enough work to support our opinion and protect the users of that report before it's issued. And we will continue to maintain adequate insurance that's far in excess of the minimum required by the institute.

Mr Ambeault: Currently we have a questionnaire in regard to clients, on whether they are acceptable clients, to avoid high-risk situations. You indicated that we were looking for more-risk audits, and we are looking for less-risk audits.

Mr Martin: I may have presented myself incorrectly there. That wasn't what I was saying. I was saying that you bring in partners so you can share some of the risk that may be out there. My concern was, how do we assure those people who take you on to do their audit work that at the end of the day, under the new scenario that will unfold when we pass this act, you are going to continue the due diligence you do now because you are personally on the line?

Mr Ambeault: Personally, if anyone were to do anything, they are unlimited in liability; the individual would be unlimited. By doing any acts, they wouldn't be protected.

Mr Craig: The individual partner doing the work is still completely responsible, and all their personal assets. It's only our other partners who are not responsible for a negligent action.

Ms Guenette: What we're saying is that this would not change the level of work we currently do. All our

firms have systems in place to make sure it's not just one person who looks at the work. Probably all three of us have second-partner reviews in-house before the statement can be issued, to make sure sufficient work was done. This act would not eliminate any liability for the engagement partner, so the engagement partner is on the hook still. They are not going to reduce the work because they still are at risk, and we have standards in place in our profession to make sure a minimum amount of work is done before any report is issued.

The Chair: Thank you very much for taking the time for your presentation today. We appreciate hearing your views.

At this time, I understand we are currently waiting for legal counsel to come forward because of the joint presentation that was made. We're waiting for legal counsel to show up before we can proceed with clause-by-clause, so I'm going to call a five-minute recess. We will be back in five minutes.

The committee recessed from 1630 to 1636.

The Chair: We'll move to the clause-by-clause section of the bill. Are there any comments, questions or amendments to any section of the bill and, if so, to which section?

Mr Martin: Yes, I have an amendment that I believe has been circulated to all the members. It's to section 7.1 of the bill. Do you want me to move it now?

The Chair: Just prior to that, seeing that there has been an amendment put forward to section 7.1, we would ask, are there any comments or questions to sections 1 through 6? Seeing none, shall sections 1 through 6 be carried? All in favour? All opposed? Sections 1 through 6 are carried.

We'll move to section 7. Are there any comments, questions or amendments to section 7?

Mr Colle: I move approval of 7.

The Chair: Mr Martin — oh, it's a new section, 7.1. We have to review section 7, at which time we move to 7.1, so I'm informed.

All those in favour of section 7? All those opposed? Carried.

Member for Sault Ste Marie, if you'd like to put your amendment forward.

Mr Martin: I move that the bill be amended by adding the following section:

"7.1 The act is amended by adding the following section:

"Limited liability partnership

"44.5 Despite any other act, two or more members of the Certified General Accountants Association of Ontario may form a limited liability partnership or continue a partnership as a limited liability partnership for the purpose of practising as a certified general accountant."

The Chair: There has been some research done on this particular amendment and it appears that the amendment put forward is beyond the scope of the bill. As such, it is therefore the position of the Chair that we must at this time rule that amendment out of order.

Mr Martin: Could I just make a couple of comments, then, Chair, if you would indulge me?

The Chair: Yes, I will allow some comments.

1640

Mr Martin: If it's going to be your ruling that in light of the fact that the certified general accountants do the same work as the chartered accountants, after this bill is passed they will be in a position of different risk and liability and so will be operating under different parameters. I would suggest that in competing for the business they compete for with chartered accountants, the playing field will not be level any more.

I would ask Mrs Ross, the parliamentary assistant to the minister, to encourage the minister to continue to live up to the commitment you suggested he is making here today and work with this group as expeditiously as possible so that they might be covered in the same way by the statutes of this province to do business of this nature, so that there isn't this difference of legislation covering two groups that for all intents and purposes do the same work.

Mrs Ross: Could I make a couple of comments?

The Chair: Yes.

Mrs Ross: A couple of things. One is that the act states specifically under 44.2, "A limited liability partnership may carry on business in Ontario only for the purpose of practising a profession governed by an act...." The CGAs currently are not a profession governed by an act, so that's one of the things they would need to do, to be established as a profession governed by an act. I understand there are discussions taking place with the Ministry of the Attorney General around that and they certainly need to look at the policy implications of that type of thing.

We're certainly prepared to work with them, and the minister has made that commitment to work with them to include them in LLP as quickly as we can.

I think there are a couple of things that have to be looked at, and some of the considerations are the liability exposure of the profession, the difficulties in obtaining adequate insurance and the level of sophistication of the clients they service. Certainly we're prepared to work with them and do what we can to assist them.

Mr Bob Wood (London South): I understand there was a governmental and ministerial process for each one of the professions that wishes to come into this act, and I understand that the only profession for which that has been completed are the CAs at the moment. So I think it's premature to consider any other professions until we go through the ministerial process and establish the appropriate way of accomplishing inclusion. I certainly encourage the ministries to work as quickly as possible with all professions, including the CGAs who come forward to be included, because I think it is a good act that all should be able to avail themselves of. There certainly should be no suggestion of an unlevel playing field.

I might say the only reason that the CAs are in and others aren't is, as I understand, that they have completed the process and no one else has as yet.

Mr Colle: For the record and just one point of clarification: There's something that was passed February 23, 1983, that said, "An Act respecting the Certified General Accountants Association of Ontario." I heard the parliamentary assistant say that one of the reasons there's a problem is that there's no act. I'm just wondering — this doesn't make sense to me. Maybe legal counsel could straighten that out.

Mrs Ross: Do you want me to just quickly respond from what I know, which is limited? My understanding is that they have the right to practise as certified general accountants under the Certified General Accountants Association of Ontario, and that is not a public act but a private act. Perhaps legal counsel can tell us what the difference is.

Mr Michael Wood: Perhaps at this time you might want to ask the advice of the ministry counsel as well, but I can certainly provide you with some advice. Specifically to answer your question about the difference between a public act and a private act: A private act receives a PR number and can only deal with special matters, matters of localized interest to a corporation or a smaller entity. The procedure for getting a private act is different from getting a public act. To get a private act, you have an applicant who makes an application and it is considered by the standing committee on private acts.

I understand there are some other key differences between the public act which governs the chartered accountants and a private act such as this one which governs the certified general accountants, namely, that to practise as a certified general accountant you are not required to be a member of their association, unlike the situation with chartered accountants where under the public act governing chartered accountants you are required to be a member of their association in order to practise as a chartered accountant.

I would stress that this piece of my advice that I've just given is my best understanding. You would want to confirm that with a ministry counsel.

Mrs Ross: In my notes here it says that in order to acquire the right to form LLPs, they would have to be established as a profession governed by an act, and that would be a public act. That would require passage of that act certifying them as a profession and that would have to come under the Ministry of the Attorney General.

The Chair: Seeing no further discussion, shall sections 8 through 11 carry? Carried.

Shall section 12, the short title of the bill, carry? Carried.

Shall Bill 6 carry? Carried.

Shall Bill 6 be reported to the House? Agreed.

That concludes today's hearings. We appreciate your taking the time to come out today.

The committee adjourned at 1647.

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Official Report of Debates (Hansard)

Monday 8 June 1998

Journal des débats (Hansard)

Lundi 8 juin 1998

**Standing committee on
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Tax Cuts for People and for
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
ADMINISTRATION OF JUSTICE

Monday 8 June 1998

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE
L'ADMINISTRATION DE LA JUSTICE

Lundi 8 juin 1998

*The committee met at 1532 in room 228.*TAX CUTS FOR PEOPLE AND
FOR SMALL BUSINESS ACT, 1998LOI DE 1998 SUR LA RÉDUCTION
DES IMPÔTS DES PARTICULIERS
ET DES PETITES ENTREPRISES

Consideration of Bill 15, An Act to cut taxes for people and for small business and to implement other measures contained in the 1998 Budget / Projet de loi 15, Loi visant à réduire les impôts des particuliers et des petites entreprises et à mettre en œuvre d'autres mesures contenues dans le budget de 1998.

The Chair (Mr Jerry J. Ouellette): We'll call to order the standing committee on administration of justice. First is a report of the subcommittee on committee business dealing with Bill 15, dated Wednesday, June 3, 1998. Can we have a motion to adopt the report?

Mr E.J. Douglas Rollins (Quinte): We have a motion to adopt that report, Mr Chair.

The Chair: So moved by Mr Rollins. Any discussion? Seeing no discussion, all those in favour? Opposed? The motion's carried.

At this time, I believe we can move to the technical briefing on Bill 15. If the individuals doing the presentations could come forward and identify yourselves for Hansard, we would appreciate that, please. Welcome. We have an hour for presentation time, which takes in questions and answers afterwards. You may begin.

MINISTRY OF FINANCE

Mr Tom Sweeting: My name is Tom Sweeting. I'm assistant deputy minister, office of the budget and taxation in the Ministry of Finance. On my right is Ann Langleben, who's the director of the tax design and legislation branch in the Ministry of Finance. I've provided a hard copy of the presentation that we will be making for committee members' benefit this afternoon.

Bill 15, the bill under discussion, is the first bill bringing forward measures proposed in the 1998 Ontario budget. There are other measures that were proposed in this budget that are not covered by this bill, but they will be introduced at a later point in the fall.

The second page of the presentation, by way of context for the measures that are in the bill, highlights some of the key measures that were in the 1998 Ontario budget.

Foremost among those, of course, was tax cuts to create jobs and in that area the government brought forward 36 additional tax cuts on top of the 30 that had been previously proposed. There are measures as well as income tax cuts for people in businesses. There are also measures related to digital animation and other high-tech sectors as well as tax cuts to support workplace day care and workplace accessibility.

The budget talks about reductions in the provincial deficit. The deficit is estimated at \$4.2 billion for 1998-99, down from \$5.2 billion in 1997-98. There are a number of measures in the budget that represent investments to create future jobs investments in the R & D sector through the fund that's investing in university and other research, and there are a variety of additional spending programs, highway infrastructure that is aimed at creating future jobs. There are a number of learning opportunities for young people announced in the budget. There's assistance to working families through the new Ontario child care supplement for working families. Measures are proposed that represent strengthening health care. Additional dollars are provided for classroom funding, and there are a number of enhanced community safety measures.

Starting with the personal income tax cut, the 1996 budget, as the slide show on page 3 indicates, said, "In 1999, Ontario's tax rate will be 40.5%. That's 30.2% less than it is today." For members' benefit, I'm sure you're probably aware, but Ontario's income tax rate is calculated as a percentage of the federal income tax rate, it's not calculated as a percentage of income, so when we talk of a rate of 40.5%, that's 40.5% of tax that's calculated for federal tax purposes.

In the 1996 budget, the tax rate dropped from 58% to 54% on July 1, 1996. Again on January 1, 1997, it dropped from 54% to 49%. The 1997 budget announced the second set of changes on the personal income tax. The tax rate dropped from 49% to 47% on July 1, 1997, and then from 47% to 45% in January 1998. The 1998 budget completed the tax cut by reducing it from 45% to a proposed 40.5% as of July 1, 1998. This puts in place the final stage of the tax cut six months ahead of schedule.

The actual mechanics of delivering the tax cut require that the PIT rate be set at 42.75% for the full year 1998.

That is the average rate when you have 45% for the first six months and 40.5% for the last six months, amounting to 42.75% for the year. In 1999 and future years the tax rate will be at 40.5%.

The personal income tax cut, as page 5 indicates, is distributed in a way that the government proposes as fair. All taxpayers in Ontario benefit from the tax cut. Enrichments to the Ontario tax reduction and the introduction of the fair share health care levy all are part of ensuring that the benefits are distributed fairly, by increasing the benefits received at the lower end and reducing the benefits received at the upper end of income. Every taxpayer with \$60,000 or less in income gets a tax cut of at least 30%, and 64% of the tax cut goes to taxpayers with incomes between \$25,000 and \$75,000.

1540

The chart on page 6 illustrates the distribution of the tax cut by income group. As you can see, the average percentage tax cut received declines as income increases. The tax cut has a differential impact depending on income and family status, and the best way to show this is perhaps by representative examples. We have three examples that show three different scenarios: an individual with modest income who gets more than a 30% cut; a family with average earnings who gets the full 30% cut; and an individual with above-average income who gets less.

On page 8 is the example of a modest-income family, a single parent with two children and, as you can see, it illustrates the impact of the tax cut from 1995 through 1999. To help with reading the chart, in 1996 the value of the tax cut in the first phase that was introduced to this taxpayer was \$70. In 1997, as the tax cut was implemented further, that value grew to \$380. In 1998, at the rate of 42.75% that was referred to just a couple of minutes ago, it'll be worth \$700, and at full implementation in 1999, it'll be worth \$845. Altogether that's a little over \$2,000 in tax relief for this particular situation over the period of the introduction of the tax cut.

On page 9 there is a chart which looks at the average-income situation: \$160 in the first year; \$795 in 1997; \$1,210 would be the value in 1998 if the legislation were to pass; and at maturity it would be \$1,385, for a total of \$3,550 and an average tax cut of 30.2%, compared to the previous table where the average tax cut was 43.2%. I'm not referring to the child care portion in this presentation.

For a higher-income situation, in this particular case a self-employed individual with a net income of \$126,500, the tax cut is worth \$440, growing to \$2,225, growing to \$3,710, and reaching \$4,360 when it's fully implemented, and that amounts to about a 20.5% reduction in income taxes for that particular person.

On page 11 there is an interprovincial comparison of PIT rates. Before the first PIT cut rate was introduced in 1996, Ontario's PIT rate at 58% was fifth lowest. In 1999 Ontario's tax rate would be the lowest at 40.5% if Bill 15 was enacted, and you can see the comparison of tax rates between the various provinces in the accompanying chart.

Page 12 looks at the comparison from the standpoint of the top marginal rate. In 1996, before Ontario's income

tax cut was implemented, the top marginal rate was the third highest in the country at 53.2%. In 1999 it would be the third lowest at 49.64% if Bill 15 is enacted. That would still be slightly higher than the rate in New Brunswick, 49.3%, and considerably higher than the rate in Alberta. If the entrepreneurs who paid the self-employed health tax were taken into account, they paid at a rate of 54.7% before the budget was introduced, and that will fall to 49.6% if the tax cut is fully implemented.

The personal income tax cut supports the government's job creation agenda by leaving extra money in people's pockets to make purchases, giving families more opportunity to pay off debt, providing entrepreneurs with incentives to form new businesses and reinvest in businesses and improving attractiveness as a place to locate for highly skilled individuals. The budget indicated the implication and certainly the job creation performance since the introduction of the tax cut, and that's shown on page 14.

Along with the reduction in the personal income tax rate was the introduction of the fair share health care levy. The fair share health care levy is an extra tax paid by high-income people to replace the revenue that was forgone by the government's proposal, and indeed plan, to eliminate the payroll tax paid by small businesses. It reduces the value of the tax cut but it does not entirely eliminate the tax cut. In 1999 the fair share health care levy is proposed to apply only to people reporting more than \$3,845 in Ontario income tax. It'll apply to about 10% of the taxpaying population.

Every Ontario taxpayer gets a tax cut. The minimum cut in 1998 is 13.1%, and when the system is fully matured next year the minimum tax cut would be 16.2%.

The proposed amendments in Bill 15 are shown on page 16. Those amendments review the numbers for the fair share health care levy. In the 1998 taxation year the fair share health care levy is 20% of Ontario income tax in excess of \$4,057.50, plus 33% in excess of \$5,217.50, and for 1999 the fair share health care levy will be an extra 20% of Ontario income tax in excess of \$3,845, plus 36% of Ontario income tax in excess of \$4,800.

The slide on page 17 illustrates the interaction between the personal income tax rate cut and the introduction of the fair share health care levy. Using the example of the single person with no dependants with \$100,000 in income, in 1995 that person paid \$13,400 in Ontario income tax and \$2,120 in the surtax that applied at that point in time. For 1996 their income tax fell from \$13,400 to \$12,945 as a result of the first step of the tax cut, and the fair share health care levy came in at \$2,215. It incorporated the revenue raised from the previous surtax as well as the additional revenue necessary to meet the commitment to fund the EHT exemption.

Moving to 1997, the income tax for this particular example fell from \$12,945 to \$11,090 and the fair share health care levy grew to \$2,585. Similarly, the pattern continues in 1998: The basic PIT falls again and the fair share health care levy grows. By the end of the mature system in 1999 you can see that there has been a substantial reduction in personal income tax from \$13,400

to \$9,360 offset by an increase in the fair share health care levy of over \$600, from \$2,120 in the original surtax to \$2,745 — as a result, the statement that the fair share health care levy reduces the tax cut but doesn't completely eliminate the tax cut. Then the example with \$200,000 in income is a similar type of explanation.

As well as personal income tax cuts, Bill 15 also proposes tax cuts for small business. The proposal in the budget and in the bill is that the small business corporations tax rate will be cut in half to 4.75%, the lowest rate in Canada, over the next eight years. This tax cut would benefit more than 90,000 small businesses and help them continue to create jobs. When the proposed rate reduction is fully phased in, Ontario will have the lowest CIT rate in the country, while currently having the highest small business CIT rate in the country. It will help small businesses with financing, as they typically have more difficult access to capital markets, and allow them to expand their retained earnings to invest and create more jobs.

The tax cut recognizes the role that small business plays in creating jobs. They create more jobs than any other sector. An estimated 82% of all new private sector jobs in Ontario are created by the small business sector. This income tax cut supplements or accompanies the 1996 budget proposal that introduced a \$400,000 payroll tax exemption to support small business. The 1996 and 1997 budgets implemented phase-in steps of that payroll tax exemption. The 1998 budget accelerates the final step, although it is not a matter that's dealt with in Bill 15.

On page 20 you will see the income tax rate comparison that I was referring to. Ontario currently has a small business corporate income tax rate of 9.5% compared to various other provinces that are displayed, and that would decline to 4.75% once the cut is fully phased in in eight years.

The actual mechanics of the bill are to introduce a rate of 9% effective May 5, 1998, a rate of 8.5% on January 1, 1999, with a reduction of 0.5% each year until January 1, 2005. At that point the rate will be 5.5% and the legislation proposes that on January 1, 2006, the legislation will be 4.75% as far as the rate is concerned.

We'll skip over the next two pages as they deal with items that are in the budget but are not in Bill 15 itself and we'll move to page 24, which is the other amendments. I'm going to ask Ann Langleben to take the committee through the other amendments contained in Bill 15.

1550

Ms Ann Langleben: As Tom mentioned, just beginning on page 24, I'd like to take you through some of the more technical amendments in the bill. Part I of the bill deals with the Income Tax Act. In addition to the personal income tax rate cuts, which Tom discussed, there's a measure that would simplify the administration of the "fairness" legislation as it applies to Ontario's personal income tax credits. At present, fairness claims for Ontario tax credits are administered by Revenue Canada by way of remission. These are generally hardship cases, where someone may have been, for example, institutionalized for several years and wouldn't have filed a return, or other

hardship cases. Under the proposed amendment, Ontario would allow Revenue Canada to process Ontario tax credit fairness claims as an assessment or reassessment of tax, and this would reduce the administrative steps involved in the processing.

Moving to page 25, part II of the act deals with the Corporations Tax Act. In addition to the cut in the small business income tax rate, we have tax initiatives that were announced in November 1997 to ensure that Ontario remains a leading player in film and television productions in North America. Sections 13 and 14 deal with the Ontario film and television tax credit enhancement. Eligibility is extended to a broader range of production activity and per project and annual corporate tax credit limits are eliminated. Section 17 introduces the 11% refundable tax credit on Ontario labour expenditures available to foreign-based and domestic production companies that are not eligible for the Ontario film and television tax credits.

There are other technical amendments in the Corporations Tax Act. Sections 6, 7, 8 and 9 deal with the Ontario new technology tax incentive. This involves the repeal of a redundant provision because new corporate reorganization regulations caused these rules now to no longer be necessary.

We also have an amendment to the Ontario book publishing tax credit, which would ensure that this credit applies properly in the expenditure rules. There is also a standard provision which would provide the Ministry of Citizenship, Culture and Recreation with authority to revoke an eligibility certificate if it was granted based on incorrect or misleading information.

The Ontario computer and animation special effects tax credit includes an amendment that would clarify that productions are eligible for this credit if they're not excluded as eligible productions for the film tax credit. Basically, this clarifies wording to ensure that a company claiming the credit can be controlled, that it is extended to companies beyond residents, provided that the company itself is an Ontario resident.

Regarding the small business investment tax credit, we have certain technical measures such as the correction of the calculation and the clarification of eligible investment.

Part III of the bill deals with the Highway Traffic Act. The bill proposes to increase the minimum fine for failing to obey a red or amber light from \$68 to \$150, and it also includes a technical amendment to ensure that heavier fines can be properly imposed for subsequent offences.

Part IV of the bill deals with the Land Transfer Tax Act. There is an extension of the LTT refund for first-time home buyers of newly constructed homes. The act currently permits the refund of tax payable on the purchase on or before March 31, 1998. Bill 15 extends the deadlines for purchase, occupation and registration of title by one year. There are a couple of technical measures which reinstate two provisions that were inadvertently omitted in a prior amendment.

Part V of the bill enacts the Ontario Loan Act, which would permit the Lieutenant Governor in Council to borrow up to \$4.6 billion for the consolidated revenue fund.

Part VI of the bill amends the Ontario Lottery Corporation Act. The bill proposes to expand the list of purposes for which the net profits of the corporation may be appropriated by the Legislature to include health care, charities, non-profit corporations and the funding of community activities and programs. It also authorizes the corporation to make payments from its revenues in accordance with agreements approved by the Minister of Finance for distribution of proceeds of lottery schemes for charitable organizations and non-profit corporations, and the bill would repeal provisions relating to video lottery terminals.

Part VII of the bill deals with the Retail Sales Tax Act. There is the extension of the rebate on building materials for farmers to support rural communities and create jobs. The temporary rebate for the purchase of building materials used in farm buildings would be extended to March 31, 1999. The exemption for 1-800 and 1-888 toll-free phone numbers is extended to include 1-877 numbers. There are technical measures exempting transfers of assets from the province to municipalities where the transfer results from restructuring or local services realignment. To harmonize Ontario's sales tax with other jurisdictions, an exemption is proposed for 25-cent local telephone calls that are made via coin-operated telephones.

There is also some clarification of RST legislation on border collection to facilitate negotiations with Revenue Canada for the collection of RST on taxable items at the border. To ensure consistent treatment relating to the exemption for hospital restructuring, the definition of "public hospital" is proposed to be amended to include hospitals under the Mental Health Act. Another technical measure would see limitations and conditions on tobacco tax collectors under the act.

The Chair: Does that conclude the presentation?

Mr Sweeting: It does.

The Chair: That allows us approximately 13 minutes per caucus for questions and answers. We will begin with the official opposition.

1600

Mr Bruce Crozier (Essex South): That's a very extensive review of the charts and graphs from the budget, certainly informative, although I'm a bit surprised that a couple of graphs were left out.

One is on the budget on page 24 where it showed the debt as a percentage of the GDP. It was the lowest in 1989 and 1990 that it has been in the last 10 years, and I'm just a bit surprised that they would leave that out. It happened to be the Liberal government that was in power at the time. There was another graph in the budget that I know is just an oversight, but that's on page 118 of the budget, where the finance minister's own graph shows that in the years from 1989 to 1990 the debt didn't grow, so obviously that was a balanced budget in that year and the first one in 23 years. I know those are just oversights that the minister has left out.

Today in the Legislature the Minister of Economic Development, Trade and Tourism said that the budget had doubled, I think it was, in the years from 1985 to 1990 in which the Liberals held the government, and I must admit

the debt did go up by \$9 billion, but it certainly didn't double by any means. It was \$30 billion that was left by the Tory government before that and it therefore went up perhaps about 25%, but as I point out, that graph on page 118 shows that there was the only balanced budget we've seen in recent history in the years 1989 and 1990. I just wanted to clarify the record and perhaps the members opposite would like to mark those pages in their budget books so they'll be able to refer to them in the Legislature as we do.

One other thing, although I know the people from the ministry can't verify this, but during the recession, 1981 to 1984, Premier Harris was part of a government at that time that increased taxes by \$1.823 billion — those were in areas such as OHIP premiums, beer taxes, fuel taxes, tobacco taxes, retail sales tax and the corporate income tax — and even supported the implementation of the social services maintenance tax at about 5%. I appreciate that the folks from the ministry can't verify those, but I just would have thought again that in reading into the record about all these tax cuts here we would want to note as a matter of fact that Taxfighter Mike Harris supported those tax increases during the time of recession.

I have a question with regard to the technical adjustment for the exemption of transfers of assets from the province to municipalities where the transfer results from restructuring and a local service realignment. It's said to be a technical adjustment. Is that another way of saying that when the original legislation was drafted it was missed?

Ms Langleben: I'm not sure if it was missed or not, but clearly the purpose of the amendment is to exempt transfer of assets from the province to municipalities upon restructuring and we certainly have that provision in the Land Transfer Tax Act.

Mr Crozier: I appreciate that and I think then, from that answer and from what's given to us here, I'd have to assume that it's another case of some mismanagement where the government has tried to proceed rather quickly, some would say, with this kind of legislation and in doing so simply didn't cover all the bases. I appreciate the fact that we're being given the opportunity to help the government clarify that.

The other is in part 6, I believe, the Ontario Lottery Corp. We had a briefing this morning, and it was very helpful. The problem was that there wasn't anyone there from the lottery corporation who could answer any specific questions. I wondered if there was anyone here this afternoon who could help us with that.

The Chair: Are you able to answer any questions on that?

Mr Sweeting: Yes, I'd like to bring up David Aronoff. I'll ask David to introduce himself and respond to your questions.

The Chair: If you could introduce yourself for Hansard, please.

Mr David Aronoff: Sure. David Aronoff, assistant deputy minister, gaming secretariat, Management Board of Cabinet.

Mr Crozier: I want to go back to when video lottery terminals were first proposed and legislation passed that would authorize video lottery terminals in Ontario. At that time it was intended, as was stated by the government, to legalize them so that we could stamp out all the illegal ones. I understand under a video lottery terminal setup the government has all the terminals linked so you can identify practically by place all the legal terminals in Ontario. Would that be the case under a VLT system?

Mr Aronoff: There is a centralized system that actually attaches to all of the machines so that they are essentially controlled by one automated computer system.

Mr Crozier: Notwithstanding our objection to the introduction of VLTs, it's my understanding now that you've eliminated VLTs and are going to mechanical slot machines in charity gaming houses and racetracks. There's no link there so that you can identify all the legal machines?

Mr Aronoff: There is actually a central system available for mechanical slot machines as well, and it is our intention to have that system set up for those. The difference is really one of, for video lottery terminals, the centralized system was much more comprehensive because it would deal with the fact that video lottery terminals can be in small numbers in a vast number of locations. In the case of the new initiative, we've restricted the slot machines to only racetracks and as many as 44 charity casinos. So the centralized system for slot machines can handle that narrowly defined number of sites and, given the government's stated intention of not going beyond that and cancelling the expansion into the hospitality industry, the essential system can handle that number of locations and does.

Mr Crozier: I'm pleased to hear that because I don't recall that we'd had that information before, and I think that goes a long way at least in those sites to controlling the illegal machines or any that may be illegal.

In this change of policy with regard to mechanical slot machines, can the government control the payout the way they would have or could have controlled the payout with video terminals?

Mr Aronoff: Mechanical slot machines don't have the discretion that video lottery terminals do in that respect. No, they don't.

Mr Crozier: Will the individual locations be able to control their own payout?

Mr Aronoff: The entire initiative is actually controlled in terms of the initiative being conducted and managed by the province and then through its agent, the Ontario Lottery Corp. The Ontario Lottery Corp is the only body which could be responsible for any of those types of changes. Individual locations do not have discretion to change the payout ratios.

Mr Crozier: Will technicians from the lottery corporation have to come in and do that physically?

Mr Aronoff: It's not our intention to actually change them and to have different levels at different sites. Plus, there isn't that discretion with the slot machines anyway. But the authority rests with the lottery corporation to do that and the lottery corporation actually has to go to their

board and get authority to do that and their board has to go to the minister. So there's certainly a variety of checks and balances to ensure that isn't the case.

Mr Crozier: So that will be done by regulation?

Mr Aronoff: Yes.

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Mr Crozier: This may be a finance question or for the lottery corporation, I'm not sure which. But in April of this year, the Chair of Management Board said that charities will receive 100% of net revenue from the table games at charity casinos and that they would receive somewhere in the neighbourhood of \$40 million from the slot machine proceeds. Does it under the payment in this legislation indicate that that's the case, or are they receiving less than 100% from tables?

Mr Aronoff: The legislation is in two parts: that a first 50% goes directly to those charities participating at the charity casinos and a second 50% goes to charities through the Trillium Foundation. So the legislation enables both halves of that.

Mr Crozier: So we can be assured that 100% of the net revenue from gaming tables goes to charities?

Mr Aronoff: Absolutely.

Mr Crozier: The government has said more recently that revenues from gambling will go to health care. Perhaps you can help clarify for me. In these amendments it would appear there are a number of areas to which gaming revenue can go, which would include the Trillium Foundation, physical fitness, sports, recreation and cultural activities, and then the net profits of the corporation are paid into the consolidated revenue fund and that part not apportioned in the fiscal year for one or more purposes set out will be used for hospitals. Can you explain to me in point form a little better where this money goes?

Mr Aronoff: The lottery corporation in terms of its conventional lottery business always had a variety of aspects of money where it would actually flow. The Trillium Foundation, the operation of hospitals, the production of the environment, culture, athletic facilities were always part of what conventional lottery funding was appropriated for. What we've done is to add health care to that list, so that health care can be captured with respect to the new funding that's being channelled in from the charity gaming initiative.

The Chair: You've got about 30 seconds left, if you want to use that.

Mr Crozier: The amount that goes into health care then can be increased or decreased by the amount of money that goes into these other areas and health care kind of gets what's left?

Mr Aronoff: No. Health care gets the committed amount with respect to the ministry, so that all the proceeds from the charity gaming initiative go to health care in terms of the slot machine revenues. That's why that's now enabled in the legislation. Operation of hospitals is after all of that has been dealt with. Hospitals are at the end of it.

Mr Gilles Pouliot (Lake Nipigon): Let me begin by apologizing for not being very knowledgeable or versed in

these matters. I'm here in the capacity of replacing our deputy leader and our finance critic, Mr Tony Silipo. I too would like to take a moment to thank the four people who took time. We shared in your expertise and we want to thank you for your presentation earlier on this morning.

One last apology, Chair, if you will bear with me, is for my lateness. I understand I was four or five minutes late. I have never imagined that the subject matter being addressed here would come, with high respect, under the capacity of this committee, so I went out looking for another committee. I thought this was dedicated to the death of one of our first Canadians and its ramifications, Mr Dudley George.

I have a question from page 8 of your presentation: \$3,855 total Ontario tax savings, and that's the total savings from 1996 to 1999 after total implementation and also factoring in the health tax levy. Now this is a single parent —

Mr Sweeting: Sorry, Mr Pouliot. It's the PIT reduction, the dark grey bars, plus the new proposed child care supplement for working families, the light bars, totalling together \$1,885. There of course is no fair share health care levy in this chart. It's only paid at the upper end.

Mr Pouliot: I thank you. I didn't think there was a need to clarify fairness, but the point is well taken. The first one, single parent with two children in tow, net income \$32,500. What you have just said results in a saving of \$3,855. C'est ça?

Mr Sweeting: That's correct.

Mr Pouliot: Bon. Same people, except the following year their circumstances change dramatically — not in percentages, please, in dollars. I'm a simple person. That's what I understand. If the net income is 10 times the \$32,500, that would give \$325,000. Right?

Mr Sweeting: Yes.

Mr Pouliot: Okay. Can you tell me what the amount of total Ontario tax savings would be in dollars, please?

Mr Sweeting: I don't have a number here. It would have to be calculated given this family's circumstances and that income. I'm looking in the budget to see if there are any examples that are close to that. I see that the highest income example in the budget is \$186,500 for a two-earner couple. I don't have a specific figure. I can bring back the figure.

Mr Pouliot: I would be pleased because I too am trying to clarify fairness and, naïvely perhaps but certainly candidly, I assumed that, given the same circumstances, if it was \$3,855 in savings per annum, then if you make 10 times that, the saving would be \$3,855 multiplied by 10, would it not?

Mr Sweeting: No. I'll have to do the example because —

Mr Pouliot: You mean it would be more? It would be 20 times more instead of 10 times more — or 30 times more?

Mr Sweeting: I'm not sure if it would be more or less. It could be more than that figure because you have to take into account your starting point. Your starting point was that the lower-income person now pays substantially less

tax to begin with. You have to factor in your starting points. You're not starting from similar points. You're starting from relatively small amounts of tax and cutting them.

Mr Pouliot: Let's cut to the chase. At that level, if you were to make 10 times more, in terms of money you would pocket 30 times more money.

Mr Sweeting: I don't know. We'll do the numbers.

Mr Pouliot: That's fair.

Under part V of the bill, the way I read it, you've indicated that it gives the go-ahead to finance borrowing up to \$4.6 billion. Right?

Mr Sweeting: That's correct.

Mr Pouliot: That's a large sum. If we were to — grosso modo, it doesn't have to be of any exactitude — calculate the impact of the 30% tax cut minus the two instalments which are blocked and will reach us on July 1, the 30% minus the two that were announced in the budget, and you give yourself the capacity to borrow \$4.6 billion, would that be pretty well the amount of money that the tax cut is costing you?

Mr Sweeting: The budget indicates that the tax cut costs about \$4.6 billion at maturity, which would be a number that, certainly in the next fiscal year, is an estimate of the cost.

Mr Pouliot: Thank you.

Ms Langleben: I would like to mention, though, that this is something that is done every year.

Mr Pouliot: I thank you very kindly. How much does it cost to service the coupons, the debt now? Is it costing \$5 billion a year, \$9 billion a year, \$9.5 billion a year?

Mr Sweeting: That's a question I'm unable to answer.

Mr Pouliot: Assuming it would be close to \$9.5 billion a year — and the way I look at this, Mr Chairman, I'll be very frank with you, this is borrowed money. These people are big spenders and they seem to have a philosophy that if you don't have the money, you borrow it. I mean spend, spend, spend and borrow, borrow, borrow. If I adhere to their philosophy, they'll have me in the poorhouse within a generation.

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I want to go back to what you've answered Mr Crozier about the proceeds, the profits from table gaming. I came away from our briefing this morning — and again I thank you — with the impression that when all was said and done, as long as it was for the benefit of Ontarians, that would suffice in terms of the allocation but, to make sure, they've thrown in the kitchen sink. It goes to hospitals, it goes to this, it goes to that. Simply put, the money is not really dedicated.

My friend and distinguished colleague has mentioned that there's nothing stopping the government from lessening the allocation and just making it up with lottery money. So when all is said and done, when they take the money out of the vat, out of that black hole which is general revenue, the Minister of Finance and his friend the Premier can pretty well do what they wish with the profits of table gaming; that it's a lure, that anybody who sells different snake oils becomes a conjurer of illusion because

it doesn't matter, and they can do what they wish because of its vagueness in description in the act. Am I right in assuming this, or have I become cynical over the years?

Mr Sweeting: Either choice.

Mr Pouliot: I can handle it. That's okay.

Mr Aronoff: The minister has suggested, and in the legislation there is reference to the fact that the Chair of Management Board will make public and to the House a listing of and disclosure of where all the proceeds went. From that perspective, at the end of the year there will be a report tabled in the House which will show the proceeds in the form and in the dollar figures and in the levels and ratios that were enunciated in the announcement.

Mr Pouliot: I don't follow these things. I live away up north and we have enough on our plate. We don't have access to the daily newspapers in the big city, but candidly, I see another \$4.6 billion being borrowed. It has been referred to as the engine, the breadbasket of the country. Could it be that Ontario will be the last province in Canada to erase its deficit? Take a chance.

Mr Sweeting: I don't know. The only answer I can give to your question is that the budget indicates that the plan to reduce and eliminate the deficit by 2001 is on track. There's a reduction this year of \$600 million below the plan, but the plan is still on track.

Mr Pouliot: We lived in an apartment on the waterfront in Montreal for many years. Then I moved to New York City, but I decided that Ontario was perhaps a better place to learn English. We weren't rich, but the future was unlimited and we were filled with expectations and some anxiety and really life was starting to border on a dream. In fact, some of us even made it to the suburbs. But before leaving for the suburbs, my older brother was counselled by my mom and dad, and my mother said: "André, always pay your mortgage. When your mortgage is paid, then we'll have a Latino party like only we can throw a party." It won't be the NDP party; this will be a real party. Alas, my brother — events took over and I'm not so sure that he adhered to that philosophy, but those words stayed with me. I really believed that if you're in debt, you pay your debt first.

That's very, very good economics and it has been proven time and time after time, but these guys go on another binge. They've become insatiable and again — Mr Chair, I have no more questions — it seems to me that if they don't have the money, they just go out into the international marketplace and they borrow money, and the price of their coupons, although it is quite competitive — I mean in times of prosperity with so many jobs being created by the forces of the marketplace there is no way that they should be saddled with an AA-, the same as we experienced ourselves during the very acute depth of the last recession.

I commend you. You're doing quite well. It's the fourth or fifth attempt. Our revolutionaries get tired and they make mistakes, but I'm very, very disappointed that they have missed the opportunity and that this generation and future generations will have to carry the guilt because, among that lot, there are not too many people who are

impressed in terms of economics. They're under the tutelage, under the direction, of M. Mike Harris and the cohorts. It does not augur well for the future. It does paint a good picture at present, but you will pay when the cycle hits, and I will be there to remind you that it's a sad legacy that you're leaving.

Thank you very much for your presentation.

The Chair: We'll move to the government members.

Mr Terence H. Young (Halton Centre): Our government has added about 240,000 low-income people to receive Ontario drug benefits, people who under the previous government may have had to actually quit a job they had in order to get the free drugs they need to function in day-to-day life. There are also now about 270,000 less people in Ontario living on family benefits and welfare. I wonder if you could tell me how many new low-income people in Ontario and how many total will not be paying any Ontario tax at all under this budget and this bill.

Mr Sweeting: Yes, I believe we have those figures. I'd like to ask Mr John Whitehead to come up and answer that question.

Mr Young: While he's on his way up, may I ask you another question referring to your chart, Mr Sweeting? The chart says that a single parent with two children by 1999, if you include the child tax credit, if those two children are under 7 years old, if that person has an income of \$32,500, they will receive a tax cut in the order of 96%. Am I correct about that?

Mr Sweeting: That's correct.

Mr Young: So they would be at the top end of the people I mean, that person is almost paying no Ontario tax.

Mr Sweeting: Yes, when you put together the Ontario tax cut, which in that example is worth \$845, together with the \$1,040 available as a child care supplement, then that would be almost the entire income tax that's paid by that person.

Mr Young: So if that person's income were slightly lower, they'd pay no income tax at all, I assume.

Mr Sweeting: Yes, that's correct. There are examples where the changes eliminate people from paying any tax.

Mr Young: Maybe this gentleman can tell us what the numbers are.

Mr John Whitehead: Sure. I'm John Whitehead and I'm with the tax policy branch at the Ministry of Finance.

The Ontario tax reduction drives the higher-than-30% reductions in income tax. In total, 630,000 people have had their tax reduced by more than 30%, and of these, 360,000 taxpayers benefit from the program as a result of this government's initiatives.

Mr Young: How many people in Ontario, low-income Ontarians, pay no income tax at all?

Mr Whitehead: It's well over a million at this point. I'd have to get you the exact number.

Mr Young: What percentage of the total Ontario tax revenue comes from those people who have larger incomes, in fact those who pay the surtax that was brought in by the previous government? Our total tax revenue, I

understand, is about \$16 billion. What percentage of that is paid by people who have upper-level incomes?

Mr Whitehead: At this point, almost half of the Ontario income tax revenue comes from people who are in the top 10% of the income-earning scale, so roughly half from people earning in excess of about \$50,000.

Mr Young: For people who earn about \$100,000 a year or more, about what percentage would their tax cut be?

Mr Whitehead: On average?

Mr Young: If you include the fair share health care levy.

Mr Whitehead: You'd be looking at between about 18% and 20% tax cuts on average for that group and they would be sharing in approximately just under 15% of the tax cut.

Mr Young: Clearly the net effect of the personal income tax cut and the fair share health care levy, as you pointed out on this chart, is that it's a progressive tax; that is, people who have higher earnings benefit less.

Mr Sweeting: That's correct. In fact, the progressivity, which is the measure of what percentage of tax is paid by what income group, is actually higher after the tax cut than before. High-income people pay a bigger share of the overall personal income tax revenues raised than was the case before the tax cut was introduced.

1630

Mr Young: I would assume that would please Mr Pouliot.

One of my constituents told me that when he looked at his income tax this year he felt that his taxes might not have gone down. I said, "No, they absolutely have," but it appeared to him on looking at the Ontario page of his federal tax form that his taxes hadn't gone down. Can you explain to me why that confusion has arisen?

Mr Whitehead: The fair share health care levy replaced the pre-existing surtax. There was already a surtax in place when this government took office. I think Tom talked a little earlier about a chart which shows that although the gross amount of Ontario income tax falls over the period of the tax cut, what used to be the surtax in the case of the \$100,000 earner, for example, went from \$2,120 to a fair share health care levy now of \$2,745. So although the amount has grown overall, the income tax has been cut. In fact, the worst a person will do under this tax cut is a 16.2% cut.

Mr Young: Two thirds of the tax cut, as a sum of money, goes to low-income and middle-income people who make \$25,000 to \$75,000 a year. How much money is that?

Mr Whitehead: Just about \$3 billion in round numbers.

Mr Young: That's going back into the pockets of people who earn \$25,000 to \$75,000 a year.

How much money has gone back into the pockets of first-time home buyers because of the land transfer tax rebate?

Mr Whitehead: If you'll just give me a second —

Mr Young: Just while he's looking for that, Mr Sweeting, maybe I'll ask you: The chart you have on job creation, which I think is probably the best news that any government or any people could ask for, shows that by 1998 the government's initiatives will have created an environment that created 427,000 net new private sector jobs, with a higher end of another 53,000, but that it will go up by the year 2000 to 737,000 net new jobs and perhaps as high as 825,000 net new jobs.

Everything I've seen that has come out of our finance ministry in this government has been small-c conservative projections so in effect we have always underpromised and overdelivered on good economic news. Can you please tell me what figures are used or how you came up with this chart on page 14 on the net new private sector jobs, what resources you used?

Mr Sweeting: I'd like to have Pat Deutscher answer that question, please.

Mr Pat Deutscher: I'm Pat Deutscher of the macro-economics branch of Ontario finance.

I have to clarify that what the chart shows isn't private sector jobs; this is total employment gains since the middle of 1995 and projected out through the end of the year 2000.

Mr Young: That's even better.

Mr Deutscher: These are essentially numbers, the ranges shown, that are consistent with our macroeconomics projections for the province.

Mr Young: Do you consult with the private sector, with the financial institutions etc?

Mr Deutscher: We do review and see what other people are saying about the national economy and about the province of Ontario's economy. It's a fairly small group of people that would forecast for the province. Essentially, these are consistent with the range of private sector forecasts that exist for employment for Ontario at the present time.

Mr Young: Do we have the figure on the land transfer tax rebate?

Mr Sweeting: Yes. As of the announcement of April 1 of the extension of the land transfer tax rebate, \$33 million in LTT refunds had been paid out to families purchasing their first home.

Mr Young: Okay. Now, one of the slides here talks about putting money back into the hands of people and creating economic activity. Can you just expand a little bit on that? What do you think these people who are first-time home buyers are doing with the \$33 million that they have had put back into their hands that is creating new jobs?

Mr Sweeting: I think they have a range of choices as to what they do with the money. Quite often it's used for furniture purchases and other furnishings that are associated with the new house, but clearly there are various other types of consumption that they may choose to use, depending on their own particular circumstances.

The Chair: Mr Stewart, you had some questions as well. You have three minutes.

Mr R. Gary Stewart (Peterborough): I want to pick up on what my friend Mr Pouliot was talking about, where

he was suggesting that the right under the Ontario Loan Act to borrow up to — I want to emphasize the “up to” — \$4.6 billion was what the tax cut was costing us. I know Mr Pouliot knows that you must spend money to make money; whether it be in business or bonds or stocks, if you want to make some dollars, you have to do it.

It was interesting last night on television to see Pataki, the Governor of New York, come on and say that with their 20% tax cut they have generated, I forget how many jobs, but it was phenomenal. I think this is a route most responsible governments are going over against the past.

I go back to borrowing up to that amount of money. I suggest, and maybe you could answer me, that there must be some very major obligations and some commitments that have been made over the last number of years that could possibly be coming due, whatever. I think any business has to have that right to borrow additional funds to meet their commitments even though — you could answer this question as well — but I understand the revenue is something like \$3 billion.

I guess my point is that it's easy to say that's what the tax cut is costing, but there must be tremendous obligations, debentures etc that have to be paid back.

Mr Sweeting: I'm sorry, I don't have an answer to the question in terms of the detail of what the authority would be deployed to support. I can get that if you wish, but certainly it is the case —

Mr Stewart: Am I wrong with my thinking? I guess that's what I'm trying to suggest.

Mr Sweeting: It's certainly the case that government borrows to meet a variety of obligations including previous years' obligations coming due, various capital expenditures, and the need to manage the day-to-day, week-to-week and month-to-month finances.

Mr Stewart: We're not suggesting for one moment that this money we're now going to borrow or can borrow “up to” is because of the tax cut, when you look at the revenues that have increased over the last year.

Mr Sweeting: That's the authority that's been asked for. Mr Pouliot asked what the cost of the tax cut was and the budget reports it at \$4.6 billion, so that's a connection that was made in the previous discussion and not by us.

Mr Stewart: Mr Pouliot was talking about the dream he had when he was a youngster, which was only a very few years ago, but I certainly know that with this type of an act the dream is about to come to reality again.

The Chair: Thank you very much for your presentation. We very much appreciate your taking the time to come here today.

1640

ONTARIO COALITION AGAINST GAMBLING EXPANSION

The Chair: At this time we'll call forward our first presenters, the Ontario Coalition Against Gambling Expansion.

Mr Young: On a point of order, Mr Chair: We welcome the representatives from the Ontario Coalition Against Gambling Expansion. I just thought it would be courteous of us to remember that presentations today must refer to the sections contained in the bill or matters contained in Bill 15.

Mr Crozier: I have a point of order too, Mr Chair. It will be very quick. The parliamentary assistant in his comments referred to the fact that some people may have had to quit their job to receive free drug benefits. I would just ask that the parliamentary assistant table any information he has regarding the number of people who may have had to do that. If he has that kind of information, the committee might appreciate it.

The Chair: The request has been put forward.

You have 15 minutes for presentation time. At the end of your presentation if there's any time remaining, it's divided equally between the three parties.

Mr Wayne Olson: My name is Wayne Olson. I am spokesperson for the Ontario Coalition Against Gambling Expansion, or OCAGE. I appreciate the opportunity to be here to have input on Bill 15, specifically part VI, as it relates to the proposed amendments to the Ontario Lottery Corporation Act.

For your information, OCAGE is a network of grassroots community groups across the province, groups that have sprung up in communities including Barrie, Brantford, Belleville, Hamilton, London, Ottawa-Carleton, North Bay, Thunder Bay, Toronto, Oakville, Kingston and Gananoque. Without exception, these groups have formed locally out of concern related to the government's intention to implement what is seen as a massive expansion of community-based gambling across Ontario.

Among our network are business people, professionals, teachers, clergy, retirees, homemakers, grandparents, parents, single parents, yuppies and guppies; in other words, pretty well a cross-section of the province we live in.

Some of us approach the issue of gambling expansion from a strong faith perspective. Many of us simply believe this plan is a badly conceived social and economic policy. We cross all party lines and political affiliations. Many of us have not been active in political issues before this time.

A little bit on the context of Bill 15, if I may, and the context of why I'm here today: OCAGE has recently written to Minister Chris Hodgson, as the Chair of Management Board of Cabinet, requesting an arm's-length inquiry into the following issues:

(1) Has the gambling industry had undue influence on government policy with respect to gambling expansion in Ontario?

(2) Have Ontarians been misled as to the true nature of the province's gambling expansion initiatives?

These questions reflect OCAGE and, we think, public concerns about whether Ontarians have accurate information regarding this plan, and whether the government and other gambling expansion proponents are being as straightforward as they could be about their intentions.

We have been told over and over again that the plan for up to 44 new casinos and thousands of gambling machines is intended to assist Ontario charities.

Some months ago OCAGE hired lawyer Clayton Ruby who provided a legal opinion that the province's planned gambling expansion was illegal under the Criminal Code of Canada, section 207(1)(b), pertaining to charity gaming, which requires that adequate percentages of the take go to charities. At this time the government, we think, could have simply committed to providing all net revenues to charities, thus satisfying the Criminal Code pertaining to charity gaming, and giving charities an absolute guarantee that future revenues would not be commandeered by either the casino operators or a future provincial government. Instead the government shifted the gambling initiative to section 207(1)(a) of the Criminal Code which pertains to commercial-type gambling operations such as Windsor, Rama or Niagara.

We now are faced with up to 44 commercial-type casinos instead of the promised charity gaming clubs, and Under 207(1)(a), charities have no guarantee under federal law that they will receive any funds in the future. This clearly raised concerns and questions about intent. But on April 9, 1998, the Chair of Management Board, Mr Hodgson, provided assurances that, firstly, charities will get 100% of net proceeds from table games, and secondly, that charities will get access to half of the funds through allocation by local municipalities, and the other half through Trillium.

Presumably, then, if the primary objective is to assist Ontario charities, Bill 15 should include legal guarantees that charities are going to be the prime beneficiaries and that the allocation of the funds to charities will happen in an arm's-length way from government. It might also be expected that Bill 15 would solidify other government promises and assurances in legislation.

Now I'd like to get to specific comments on Bill 15, if I may, firstly to section 34 of Bill 15 which withdraws the definition of "video lottery" and "video lottery terminal." We presume the intention here is to show that, as Minister Hodgson said on April 9, the government has "listened to the concerns of communities" and cancelled VLT implementation permanently.

I would like to be able say that this is a relief to communities across the province. It would be nice to be able to say thank you to Mike Harris for listening to our concerns. Unfortunately, at the same time Minister Hodgson announced the withdrawal of VLTs, essentially electronic slot machines, he announced the introduction of at least 13,200 new slot machines. At no time, to my knowledge, did any citizens' group in Ontario, or any of the dozens of municipalities that voted no to gambling expansion last November, request to have hundreds of slot machines substituted for VLTs in their communities.

In fact, we may have been forgiven for believing that slot machines were not an issue in light of the following assurance made by Minister of Consumer and Commercial Relations, Norman Sterling, during Bill 75 public hearings. On August 6, 1996, he said, "There's no intention of

Ontario to allow slot machines to be anywhere other than a commercial casino, as we now have two in our province, one being at Rama and the other being at Windsor." So 13,000 and change in new slot machines do not appear to be a concession to community wishes as much as perhaps a sleight of hand.

Slot machines certainly can be both mesmerizing and addictive, as are VLTs. Slot machines can separate a player and his money as surely as VLTs to the tune of — and these are Minister Hodgson's numbers — \$840 million a year. That's about \$200 dollars per household in the province, or about \$63,000 per machine, and still no economic or social impact studies by the government. Again, the introduction of slot machines in communities across Ontario contradicts this assurance by the government made during the Bill 75 hearings, the promise by the Minister of Consumer and Commercial Relations, Mr Sterling, that we will not have slot machines.

What happened? The demise of this assurance also, I'm afraid, casts doubt on other assurances by the government, which brings us to the issue of other promises and another section of Bill 15.

On April 9 the government promised that 100% of the net proceeds from table revenues in the new casinos would go to Ontario charities, either through allocation by the local municipality, or through the Trillium fund. However, Bill 15 appears to leave charities on much shakier ground than they have been led to believe.

Section 8.3 states that only one half of the net revenue from table gaming activities shall be for the benefit of charitable organizations and non-profit corporations, no mention of municipal control, and seemingly no assurance that the rest of the money will flow to charities as promised. In fact it appears that, under 9(1), the remaining revenue will simply be paid into the consolidated revenue fund and may eventually find its way to a vague list of uses, including "the protection of the environment" and "the funding of community activities and programs."

Somewhat surprisingly, the bill also allows ministerial discretion — or it appears to — with respect to prescribing both the activities that constitute table gaming and the classes of persons or entities whose table gaming activities are to be considered in calculating the charity's share of the take. This would appear to allow the future limitation of revenues paid to charities to moneys generated by only certain table game activities at certain times by certain players, hardly a guarantee of 100% of the take.

Some conclusions: In looking closely at Bill 15, the obvious question that arises in our minds is: Does the government really intend to respect its assurances? Is this initiative really solely for the benefit of charities as suggested? Or is it for the benefit of the provincial treasury or, perhaps ultimately, for the benefit of the gambling interests?

We seem to be getting slot machines in spite of ministerial promises. Charities may have reason to be sceptical about the promised windfall revenues.

Will the gambling take find its way to charities as promised? Or do the casino operators and the government

have other priorities? Are charities being used as the wheels on the Trojan horse to usher in a huge gambling expansion initiative which we are told, ironically, will help "build sustainable communities," but in reality seems to be a big cash cow for the province and casino operators, aimed at separating local communities and their citizens from over \$1 billion dollars a year?

What assurances does Bill 15 provide that a future government or minister won't use his discretion to delist some kinds of table game activities or some classes of persons or entities whose table game activities are to be considered? What assurance does this bill provide that casino operators won't want a bigger piece of the pie than we have been led to believe? What assurances does this bill provide that the promised charity funding under this initiative won't be squeezed over time as social service funding has been squeezed over the last few years? What assurances does this bill provide that the new gambling revenues to charities and non-profits won't be used as an excuse to cut funding from government sources in the future?

Our belief is that Bill 15 does not reassure Ontarians. Our belief is that Bill 15 does not reassure charities.

1650

Mr Crozier: Mr Olson, I think you've stated very well the case that I would want to present. In fact, I asked a question earlier today about the disbursement of funds that I think you've explained more clearly than I asked and more clearly than the answer was given. I appreciate that.

One question: Notwithstanding the fact that roving casinos may have been less controllable and all of that argument about whether there should be 44 more or less permanent casinos, we didn't have slot machines in roving casinos. Wouldn't you say this is a significant increase in gaming in Ontario under the guise of charitable casinos?

Mr Olson: As I understand it, the roving casino system was a \$100-million-a-year operation in terms of how much gamblers lost. What we're looking at now is somewhere between \$1 billion and \$1.5 billion a year in anticipated gambling losses. Slot machines make up a large chunk of that. So yes, I would agree.

Mr Crozier: Thank you, sir.

Mr Pouliot: Welcome, Mr Olson. You're obviously most concerned about the proliferation, the expansion of gambling activities in Ontario. On page 5, the last page of your excellent presentation, in your attempt to sum it up you get, if I may, rather bold and adhere to a policy of action directe. I'll follow the same tone. In the last budget we've heard: "A promise made, a promise kept. This government has listened to people."

You mentioned earlier on in your presentation, Mr Olson, the many municipalities that voiced by way of plebiscite, by referendum, against the expansion, against the proliferation of gambling and especially with a focus on the crack cocaine, the worst form, that of VLTs. Do you feel the government has kept its promise?

Mr Olson: The promise I would go back to was during the last election campaign when the Premier, and I think everyone's heard this, promised that there would be no

new casinos in Ontario without plebiscites. I take it that he was referring to commercial-type casinos. I think that's a promise not kept, because both legally we're looking at commercial-type casinos and, in terms of scale, Brantford will have, as proposed, more tables than Windsor. That's by any measure a casino operation. So it depends how far back you go, which promise you want to talk about. I would say no.

Mr Bob Wood (London South): I'd like to ask a question that's general rather than specific. Suppose you were to advise the government on how you think they should reduce the scope of the gambling initiative. Can you give me some indication of what you would look at? Would you reduce the number of charitable gaming houses? Would you reduce what's being done in them? Can you give me some ideas as to how you'd go about reducing that if you were the government?

Mr Olson: If I could talk personally rather than for the group, because I would say there is not a consensus on this, my personal view would be that the issue is gambling expansion and primarily community-based gambling expansion, that if one looked at the existing roving casino system, it's a \$100-million-a-year industry and it needed to be fixed, and that there would be ways of fixing it without increasing the amount of gambling exponentially. I think that would be the starting point, to go back to the old system, look at what was wrong with it, look at why it wasn't serving charities, look at the security issues, look at the operation of those facilities and try to find a way of making them work.

The Chair: Thank you, Mr Wood. There's 15 seconds left.

Mr Young: I just want to add, Mr Olson, that's exactly what the government did. They looked at the existing system of roving casinos and determined that the best way to get control and make sure the charities did get a fair share of the money and that there was proper security provided was to replace them with permanent sites based on the wishes of the local community.

The Chair: Thank you very much for your presentation. We appreciate your taking the time to come forward.

COALITION FOR A PUBLIC INQUIRY INTO THE DEATH OF DUDLEY GEORGE

The Chair: I call upon the next presentation, if you could come forward, the Coalition for a Public Inquiry into the Death of Dudley George. If you could identify yourself for Hansard, we would appreciate it. You have 15 minutes for presentation time. At the end of your presentation, if there's any time, it's divided equally between the three caucuses.

Mr Young: Mr Chairman, on a point of order: Our presenter is from the Coalition for a Public Inquiry into the Death of Dudley George. I just wanted to ensure that the delegation was aware that we're referring to Bill 15 and matters related to Bill 15 only in this committee.

The Chair: I'm sure the presenters know that we're dealing with Bill 15, and that's where our topics will remain.

Mr Bud Wildman (Algoma): On a point of order, Chair: I don't want to take away the time from the presenter, but I think the presenter is here and is clearly aware that this government has intentionally referred this bill to this committee to prevent the inquiry that was referred to this committee under rule 124, the inquiry into the Ipperwash situation.

The Chair: Thank you, Mr Wildman, but I'm sure you're also aware that the only thing I have specifically, according to the motion brought forward, to deal with is Bill 15.

We'll begin your time now, just so you realize that your time wasn't cut into.

Ms Ann Pohl: I start my time right now? From now I get 15 minutes. Great.

First of all, I'd like to introduce myself. You've heard my name; my name is Ann Pohl. I am, among other things, a spokesperson for the Coalition for a Public Inquiry into the Death of Dudley George. I'm also coordinator of a group called Turtle Island Support Group. Both of these positions are unpaid. I'm a civic-minded citizen of Canada and have been a resident of Ontario for 30 years.

I do have gainful employment, although I think you'd probably call me an itinerant member of the labour force, due to the scarcity of jobs and also due to my lifelong vocation to children. I have four of my own and I have had countless, both official and unofficial, foster children. My youngest birth child, Daniel, is here with me today. We don't believe in lying, so he'll be my witness that everything I say today is meant sincerely and is the truth as I know it.

It is said that politics makes strange bedfellows. In this case we also see it makes strange beds, which calls to mind the metaphor, "You've made your bed; now lie in it."

Why is a spokesperson for the Coalition for a Public Inquiry into the Death of Dudley George making a presentation on Bill 15, the tax breaks bill? The coalition for a public inquiry is a group which pulls together aboriginal and first nations community members, labour, student and anti-racism groups, faith communities and many other individuals who are united in our search for answers about what led to the death of Dudley George on the night of September 6, 1995.

What interest do we have in the tax breaks bill? I believe the question could be asked, by those who haven't thought deeply about it, of course: What interest does the standing committee on administration of justice have in the tax breaks bill, or, for that matter, what interest does this committee have in the new workfare bill, which will be coming to this committee for four days beginning next week during the time that the subcommittee of this committee, which sets its agenda, had agreed to hear the rule 124 request by MPP Peter Kormos to consider matters related to Ipperwash? This is what I mean about strange beds.

You may be aware that our coalition was formed on the date of the 49th anniversary of the United Nations Universal Declaration of Human Rights. We chose that date because of the international significance of the death of Dudley George. It is a subject of ongoing interest to the United Nations rapporteur on human rights.

Mr Young: Mr Chair, with all due respect to the presenter —

Ms Pohl: I'm coming to the point. This is related to the tax breaks bill, sir.

Mr Young: We're supposed to be talking about Bill 15.

Ms Pohl: This is related to the tax breaks bill, sir, I promise you.

Mr Wildman: Surely any presenter who comes before a committee has the right to use his or her time as they wish.

Ms Pohl: The subject of Dudley George has been an ongoing subject of interest to the United Nations rapporteur on human rights and has been investigated by the international secretariat of Amnesty International, which is based in London, England, who found that the circumstances of Dudley's death were suspicious enough that it may have been "extra-judicial execution." Amnesty International has called for a "full and impartial public investigation" in order to clear the air.

1700

The Chair: You are coming to the point?

Ms Pohl: Yes, I am. I have 15 minutes and I promise I'll get there.

Mr Young: On a point of order, Mr Chair: I'd like to ask —

Ms Pohl: Excuse me. I'm a taxpayer. I have 15 minutes to present to this committee. Please be patient. I am coming to the bill.

Mr Young: I'd like to ask the Chairman to rule —

Ms Pohl: Since our founding meeting —

Mr Young: — on if the presenter is talking about matters related to Bill 15 or not.

Mr Wildman: Surely the committee has the courtesy, once they've recognized a presenter, to let the presenter make her case as she sees fit. She says she's going to deal with Bill 15.

Ms Pohl: I'm getting to it.

The Chair: The motion, Mr Wildman, as stated before, is that we are to deal with Bill 15.

Ms Pohl: I'm getting to it.

Mr Wildman: Chair, surely she's allowed a preamble. If somewhere along the way —

The Chair: We have a fine line that we can define. I will define that line, as I'm the Chair, whether it's a preamble.

Mr Wildman: I hope in defining that line you don't stifle democracy —

The Chair: I certainly will not.

Mr Wildman: — like your government tends to do.

Ms Pohl: Can I continue?

The Chair: I call the committee to order, please.

Ms Pohl: Since our founding meeting, I've had some very interesting experiences, I have to say. I've spent a lot of time around Queen's Park. I scratched my head for quite a few days when I heard that the standing committee on administration of justice was going to be looking at bills related to tax breaks and workfare rather than the justice issues contained in MPP Kormos's request. But the answer slowly came to me. This is not the only case of strange goings-on that I've had to ponder since our coalition started up. It began on December 11, when Liberal MPP Gerry Phillips brought a motion before the House for an inquiry to be called after all matters had cleared the courts, and the government, for whatever reason, decided not to support that.

The Chair: And you are coming to the —

Ms Pohl: I am definitely coming to it, yes.

When the government spokesperson responded that day, he spoke on a complete tangent, just as you may feel I'm doing right now, but I promise you that I'll be dealing with the bill as soon as I give you the rest of the background. The tangent the government addressed that day was its broader aboriginal policy. I could tell you stories that would raise the hair on your chest if you knew the inside story of the government's aboriginal policy, but there's no time for that. This is one example of the strange beds that people seem to have made for themselves at Queen's Park.

I continually have to ask myself, why is the government afraid of the Dudley George issue and why would they not allow it to be discussed in the standing committee on administration of justice? Why won't they go for an inquiry after all the related charges have cleared the courts? What was it that actually led Sergeant Deane into that park to fatally wound Dudley George? Who gave him the licence to kill unarmed Indians who were involved in a non-violent protest on land rights issues?

The government, and in particular the Premier, the Attorney General and the Solicitor General, continually maintain that they had nothing to do with the police assault which led to the death of Dudley George, so why did they refuse to commit to a public inquiry? Have they been lying? Is there something they're not saying? The media have carried stories about Debbie Hutton being at meetings and about Marcel Beaubien being in the command post, but if Messrs Harnick, Harris and Runciman are innocent, why don't they take every effort to clear their names? Perhaps they're afraid to put the onus on the OPP, but to be honest, I have run out of energy second-guessing them. I just don't get it.

I did promise to bring this deputation around to the discussion of the bill before you. Let me first say that I did not have time to call a steering committee or general meeting of our coalition to consider the tax-breaks bill, so I want to offer you first my personal opinion about the bill and then something that I know the coalition has consensus on.

My personal opinion as a member of a middle-income-earning family is that we're proud to be civic-minded and to be living in a society where the less able and the less

fortunate are looked after by the community as a whole. We don't really mind paying taxes when we know that the money will go towards making a more just and equitable society, especially for all the children in need.

Sure, we know that some poor people "take advantage of the system," but then so do some rich people. But many poor people are honest and live by all the rules, just as some businessmen voluntarily contribute to society: restaurants which feed folks for free once a month, developers who provide free space to community groups, lawyers who work pro bono and artists who donate their cultural talents for community purposes.

My point? We can't go around worrying about the deviates who lie and cheat. We have to focus on being good people ourselves — that includes the committee here — and bringing up our children to be good people and doing the right thing for all of the rest of creation, human and other, looking after one another, because that's how we care for ourselves. To me and my family, it's as simple as that.

My faith in the rest of the human race as regards tax cuts was strengthened by this little item I found in the *Globe and Mail* on June 5, "Nurses Before Tax Cuts: Poll." I'll just read you bits of it.

"A public-opinion survey shows that 78% of Ontarians surveyed would give up their provincial income tax cuts if that meant more spending on nursing care." This is done by Environics and is said to be "accurate to within three percentage points, 19 times out of 20."

I know I'm not going to convince you fellows to try to kill this bill and to redesignate those tax funds that you'll be hanging on to to other, more useful purposes, such as nursing and education and other things that I might come to in a minute, but reading and rereading this little article helped me to understand why this bill on tax breaks has been sent to the justice committee. We're being invited to discuss — and I thank those of you who spoke in favour of my being able to speak, because I feel that I was invited here to speak about this — whether there is justice in making tax cuts the highest priority of this government. I say no.

In order to put more justice in this bill, I make the following suggestion. I can tell you that all the individuals and organizations who have called for the public inquiry into the death of Dudley George, from the B'nai Brith to Amnesty International to the Chiefs of Ontario to the Anglican Church of Canada to the Ontario Coalition Against Poverty, the Ontario section of the Canadian Federation of Students, the Mennonite Central Committee, the Aboriginal Rights Coalition in Ottawa, the Ontario Federation of Labour and so on and so forth, would be delighted if you would consider amending this bill ever so slightly to provide an ever so slightly lower level of tax breaks — you folks would have to get your experts to work on the details about rates and percentages and how much needs to be set aside and that kind of thing — so that the funding is available for this public inquiry.

It's time for the government to realize that the ordinary residents and voters of this province care very deeply

about civil and human rights, the right to accessible good health care, to quality public education, to affordable post-secondary opportunities, to adequate nutrition for children and pregnant mothers in particular and so on; we care more deeply than we care about whether we pay \$50 or \$250 more in taxes. People aren't stupid forever. You can pull the wool over their eyes for a while, but they're not going to stay stupid. It isn't taking long for many Ontarians to realize that the extra few bucks in our pockets don't make up for the things we have lost.

One of the things we have lost during this government's stay at Queen's Park, and I know I have the total consensus of the Dudley George coalition on this, is the right to non-violent political protest without fear. A full and impartial public inquiry is the way to restore public confidence.

Any questions?

The Chair: That allows us in the area of about a minute per caucus, beginning with the third party.

Mr Wildman: Thank you very much for your presentation. I apologize for the attempt by the parliamentary assistant to stifle you.

If your suggestion that the government set aside funds for a full public inquiry into the events at Ipperwash that led to the —

Mr Young: On a point of order, Mr Chairman: The committee is here to discuss matters related to Bill 15. Mr Wildman's question is out of order.

Mr Wildman: Does this bill deal with taxes and tax rates or not?

Mr Young: I'm not going to argue with you. I'm asking the Chair.

Mr Wildman: Okay. Then I am fully in order, because I'm talking about whether this committee should make a recommendation to lower the amount of the tax break.

The Chair: Mr Wildman, you may continue.

1710

Mr Wildman: Your suggestion that the tax break be lowered in order to allow for funding for a full public inquiry into the events at Ipperwash that led to the death of Dudley George is interesting and useful to this committee, but I would say that any government that believes in justice and the truth would hold an inquiry. They don't need a lot of money to spend on it; they would just want to get at the truth. They wouldn't have to amend this bill and this committee wouldn't have to recommend such an amendment.

Mr Young: The order to send Bill 15 to the committee on administration of justice is not a precedent. It certainly was not out of order. It's not uncommon for bills to be sent to alternative committees when a particular committee is busy. The finance committee is occupied with Bill 16, the Small Business and Charities Protection Act, right now.

During the former government, in the NDP's third session as government, Municipal Affairs and Housing had four bills. They were sent to four different committees as follows:

Bill 61, The Toronto Islands Residential Community Stewardship Act, went to the general government committee;

Bill 94, the Metropolitan Toronto Reassessment Statute Law Amendment Act, went to the social development committee;

Bill 163, the Planning and Municipal Statute Amendment Act, went to the administration of justice committee;

Bill 198, the Municipal and Liquor Licensing Statute Law Amendment Act, went to the finance committee.

Mr Wildman: I agree fully with the parliamentary assistant. It is in order for the government to move this bill into this committee to stymie the inquiry into the Dudley George affair.

The Chair: Thank you, Mr Wildman.

Mr Wildman: That's quite in order. It's just unethical, that's all.

The Chair: Order, please. The official opposition has about a minute.

Mr David Ramsay (Timiskaming): Thank you very much for coming before us. I think it's important that you came today to make your point. As you've related, the need to have an inquiry into the death of Dudley George in this bill I think is very fair. What really makes a just society? Is it tax cuts for small business, personal tax cuts and many of the tax incentives outlined in this bill, or is it getting at the truth about something that happened a few years back in Ontario that had tragic consequences? I think it's getting at the truth and finding out what happened and why did the police enter the park that night? In the end, the truth will be out and we will get to it. We thank you for your support.

The Chair: That concludes your time.

Ms Pohl: I brought some information.

The Chair: Yes. The clerk will take that and provide it to the members. Thank you very much for your presentation.

Ms Pohl: Thank you for hearing us.

NESBITT BURNS

The Chair: Our last presenters today are individuals from Nesbitt Burns. If you could come forward and identify yourselves for Hansard, we would appreciate it. I understand that you have 10 minutes for presentation time. At the conclusion of your presentation, if there's any time remaining it's divided equally between the three caucuses at the table. You may begin.

Mr David Rosenberg: Good afternoon. My name is David Rosenberg. I am senior economist with Nesbitt Burns. I'll forgo the preamble and just cut to the chase. We did a two-page analysis of the Ontario budget on May 5, the day of its release, and our title was Ontario Hits a Home Run. I think that says it all. I essentially have no specific recommendations on this bill and I think it's fine as is. I'll focus my remarks instead on the need to continue tax reduction in Canada and Ontario specifically.

I'll begin by pointing out that total government revenue as a share of GDP in Canada remains well out of line with

where it is in the rest of the G-7: 43% versus 37%, according to the latest OECD numbers. Overall, the tax burden is still at a record high, and for individuals in Canada it has never been greater in comparison to the United States. Households devote almost 25% of their income to the government sector in this country, compared to 19% south of the border. Curiously, there was virtually no gap at all back in 1980, the last time Canada had an unemployment rate equivalent to that of the US, at just over 7%.

I think it's reasonable to assume that the growing tax gap is at least one of the reasons for Canada's relatively poor job creation record compared to the US over the past 15 years.

Disturbingly, this tax gap is at risk of widening further as the US cuts taxes in the wake of budgetary surpluses of its own, which seem poised to top the \$75-billion mark this year, and most states are also running record surpluses. Let me assure you that the bulk of this fiscal dividend is going to be going towards tax cuts, not spending increases. The pressure then is on the federal government and on the provinces as well to do likewise or risk undermining national competitiveness, a situation which already is clearly reflected in a 68-and-a-half-cent dollar.

Even after the latest move to cut personal income taxes, the top marginal rate in Ontario remains uncomfortably high, at 49.6%. With tax rates so much higher than in the United States, our brightest graduates, not to mention professors, are being lured away to the US. The latest surveys show that within two years fully one quarter of Canada's PhD grads, who were trained at taxpayer expense, have moved to the States, and mounting US labour shortages will ensure that the demand for highly skilled Canadians will remain strong.

Although the data are sketchy, the brain drain from Canada to the United States is reasonably well documented. According to the most recent numbers from Statistics Canada, we are losing 12 health professionals to the US for every one we attract. I don't claim to be an expert on health issues, but even if we spent all the money in the world on our current medical care problems, what level of quality can we maintain when so many of our best doctors move to the US? The move-out ratio for engineers is eight and for computer professionals it is two.

We ignore the growing tax gap at our peril. Canadians in growing numbers are being lured to the US with tremendous after-tax income prospects. As a recent cover story for Time magazine concluded, "A Torontonian with a non-working spouse, two kids and a mortgage who earns \$100,000 a year will cut taxes almost in half by moving to Houston." And believe me, it isn't tough to get a green card these days.

As I mentioned, even with the tax cuts we are still left in Ontario with top marginal personal tax rates still very close to the 50% threshold. This compares to 40% in the US, and keep in mind that the top rate in Canada — in Ontario — kicks in at income levels of \$60,000 compared to \$350,000 in the US. No other country, not even the socialist government in France, is as punitive at such a

low level of income. Moreover, long-term capital gains tax rates here peak at 40% compared to 20% south of the border, which is a massive disincentive for saving, which reduces our ability to accumulate sufficient funds for old-age security.

At any rate, I still applaud the Ontario government for adopting a strategy that at least addresses the competitive tax burden that the province continues to face. While the generation of low interest rates and the continued business expansion in the US have been important catalysts, public policy shifts have also contributed to the rebound in Ontario's economic activity. The income-supporting impact from reducing what has been an onerous tax burden has paved the way for a broad-based economic expansion in Ontario not seen in nearly a decade.

We at Nesbitt Burns are looking for 4.8% real GDP growth for this year. That follows a 4.5% pace of advance last year, and for 1999 I think 3.5% is a fairly good bet. In all three years Ontario will have outpaced the national average.

The tax cuts, in my view, seem to be working from a macroeconomic standpoint, even if they have perhaps delayed the ultimate move to fiscal balance. Retail sales in Ontario: first quarter, up 10.2% year over year, more than double the national average, even greater than Alberta's 6.4% pace. This is a huge swing from two years ago when retail sales in Ontario were actually falling in both real and nominal terms.

Employment conditions have improved dramatically. We have our May numbers for employment, as of last Friday. Ontario: net job creator of 206,000 jobs over the 12 months to May, almost a 4% increase, which accounted for 54% of all the hirings from coast to coast. This, despite the fact that Ontario represents less than 40% of Canada's workforce, is remarkable and has brought the province's unemployment rate down to an eight-year low of 7.1%, and it can and will go lower in the year ahead. Business activity, as measured by manufacturing shipments, as an example, is also very strong, running 8% growth year on year in the first quarter versus nationwide growth of 4.2%.

Clearly, the strategy of reducing the role of government in the economy and lowering the tax and regulatory burden and giving the private sector greater leeway for growth has borne considerable fruit, again at least from an macroeconomic perspective. But more needs to be done to reduce what is still a burdensome tax regime, especially compared to the US.

Consider as well that the \$5 billion in tax cuts that this government would have implemented has really done little more than offset the revenue-raising measures that were brought in in the first half of the decade. The relief to date has merely arrested the multi-year slide in per capita real disposable income in this province, a decline that began in 1990. Indeed, household income in Ontario, on an after-tax inflation-adjusted basis, just managed to return to its 1989 level last year.

In sum, I believe we're on the right fiscal and economic track in this province. The government has successfully

broken the tax-and-spend pattern of the past decade and I think deserves high marks for doing so. What is left, essentially, is to stay the course of deficit elimination and continue to move more forcefully to reduce the tax burden, thereby enhancing income growth and living standards for all Ontarians. Thank you very much.

The Chair: Thank you very much. There's only about 30 seconds per caucus, so a quick comment from each caucus, beginning with the government members.

Mr Rollins: Thanks for your presentation. Would you support, with the brain drain we have, keeping our graduates here for a period of time after they graduate through our system, like in some other countries? For instance, after they graduate as a doctor, which they've been educated for for three or four years in higher education, they should remain in Ontario to pay back some of the education dollars they've used? Would you support something like that?

Mr Rosenberg: Personally, I would rather attack the root cause of the problem, which I think is a tax burden that is growing relative to the US. I'd rather get to the root cause. I'm not the sort of person who would meddle in the market to that extent. A lot of highly skilled Canadians want to move to the US for a reason. My first-case scenario would be to attack that reason.

The Chair: Mr Crozier?

Mr Crozier: Yes, as long as I can have the same 30 seconds.

The Chair: The question was about 27.

Mr Crozier: Very quickly — and some of these just take a yes or no — did you ask to appear here today or were you invited?

Mr Rosenberg: I was invited. I'm more than happy to come.

Mr Crozier: Thank you. Is there unanimity among economists in the view that you expressed today?

Mr Rosenberg: Economists couldn't agree over a GDP growth estimate for tomorrow, let alone agree on anything else.

Mr Crozier: Thank you. One more quick question. You said there was a difference of between 25% and

19%, I think, in the tax spread between the US and Canada.

Mr Rosenberg: Depending on how it's measured.

Mr Crozier: Yes. Have you factored in the cost of health care and social measures? Is health care factored into that?

Mr Rosenberg: No. Those are strictly tax payments of the government sector.

Mr Pouliot: Welcome, Mr Rosenberg. We're used to seeing Ms Cooper paying us the compliment of her visit. I want to extend some condolences and sympathy on the passing of one chairman of the board, Mr David Walsh. I knew of his close association through Bre-X, and the very strong recommendation of Nesbitt Burns, which was one of the main promoters. We all share in the sorrow.

You've mentioned tax-and-spend policies. One has to go with the other, because if we're going to decrease taxes, we have to exercise, I would assume, from an economist's point of view, an equal decrease in spending.

The Chair: Mr Pouliot, do you have a question?

Mr Pouliot: Yes, I have one. This administration is spending more money — that's the reality — than any government prior to it. Your colleagues prefer the tax cut —

The Chair: Mr Pouliot, you've used a minute now.

Mr Rosenberg: I'll just answer that. It's funny that on the one hand somebody asked a question about whether health care is included and then on the other hand you're talking spending. The government does not have direct control over interest costs, which has really been the Achilles heel in terms of total spending. When you say that this government is spending more money than any other government, I'd be surprised if that were true, but when you add on interest costs, what do you expect? The interest costs are what we pay for our past sins. What more could you say?

The Chair: Thank you very much for your presentation. We appreciate your taking the time to come out today.

This concludes today's hearings. We sit adjourned until 1530 of the clock on Tuesday, June 9.

The committee adjourned at 1725.

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Tuesday 9 June 1998

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Mardi 9 juin 1998

**Standing committee on
administration of justice**

**Tax Cuts for People and for
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**Comité permanent de
l'administration de la justice**

**Loi de 1998 sur la réduction
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
ADMINISTRATION OF JUSTICECOMITÉ PERMANENT DE
L'ADMINISTRATION DE LA JUSTICE

Tuesday 9 June 1998

Mardi 9 juin 1998

*The committee met at 1615 in room 228.*TAX CUTS FOR PEOPLE AND
FOR SMALL BUSINESS ACT, 1998LOI DE 1998
SUR LA RÉDUCTION DES IMPÔTS
DES PARTICULIERS ET DES
PETITES ENTREPRISES

Consideration of Bill 15, An Act to cut taxes for people and for small business and to implement other measures contained in the 1998 Budget / Projet de loi 15, Loi visant à réduire les impôts des particuliers et des petites entreprises et à mettre en oeuvre d'autres mesures contenues dans le budget de 1998.

The Chair (Mr Jerry J. Ouellette): The committee will come to order.

Mr Terence H. Young (Halton Centre): On a point of order, Chair: I'd like to ask the committee for unanimous consent, due to time constraints and so that as many delegations have an opportunity to speak as possible, that we ask the delegates when they come forward, if their original time slot is longer than 10 minutes, that they give a presentation of 10 minutes to allow more people to speak. At the same time, Judith Andrew, from the Canadian Federation of Independent Business, was here when committee was originally supposed to start and is on her way here again. I'd like to ask for unanimous consent to move her down and let her present when she's able to come to committee.

The Chair: First of all, we don't need unanimous consent to rearrange, because the subcommittee allowed the clerk and the Chair to do so, so we can arrange that. But is there any further discussion on the unanimous consent for the presentations to be moved to 10 minutes? All in favour? Carried.

ONTARIO CHAMBER OF COMMERCE

The Chair: I ask the first presenters if they could come forward, the Ontario Chamber of Commerce. I hope you understand the situation as it has unfolded. As I'm sure you heard, you have 10 minutes to present. Any time remaining is divided equally between the three caucuses for questions and answers. You may begin.

Mr Douglas Robson: Good afternoon, committee members. I appreciate this opportunity to present to the committee on Bill 15, the Tax Cuts for People and for Small Business Act.

In the interest of time, we'd like to limit our presentation to touch on two portions of the bill, the Income Tax Act and the Corporations Tax Act, and to touch on two portions of the government's budget related to this bill, if we may, the employer health tax reductions and the commercial and industrial business education tax changes.

With regard to the Income Tax Act, this bill fulfils the government's commitment to reduce personal income tax to 40.5% of basic federal tax. Our membership has long applauded the government's commitment to reducing personal income tax, and we're quite pleased that the government is moving ahead with fulfilling that commitment, as we'd recommended here in our pre-budget submission.

The importance of the personal income tax reduction lies in the confidence it gives to the consumer and to business in Ontario. It makes it a more competitive jurisdiction. The tangible benefit of lowering personal income tax is the increased purchasing power for consumers. The latest economic indicators show that it is only recently that people started to feel that the economic climate has changed away from the gloomy early 1990s, the recessionary period.

Not that many years ago we talked about Ontario having a jobless recovery, primarily because the export sector kept our economy going, mostly due to auto production. The recovery has now spread to other parts of the economy and we don't talk about jobless recovery, because employment growth over the past year has topped 5%. According to StatsCan, almost 300,000 jobs have been created since February 1997.

What has the impact been of the tax cut? Most economists will tell you that the current economic recovery is partly a result of the tax cut and partly a result of lower interest rates. However, we believe that the tax cuts have had a beneficial psychological impact on the economy and that people feel better about their futures because we have a better business climate in Ontario than we had three years ago.

Regarding the Corporations Tax Act, the second part of the bill that we would like to discuss is the reduction of the effective corporate tax rate for small business. Through this legislation, the government has cut in half, from 9.5%

to 4.75%, the effective tax rate on small business. A reduced corporate income tax rate is something that we feel makes Ontario businesses much more competitive. As many of you know, our mantra is making business more competitive.

There's no question that one of the key drivers for employment growth is small business. Reducing the cost of business will make the decision to hire another employee easier. Many of our members applaud this move. You only have to look at the Help Wanted ads to see how effective it's been.

The employer health tax changes are an issue we'd like to touch on. It is moving the \$400,000 exemption that was to be effective January 1, 1999, to July 1998. We feel that will also have the impact of creating a more competitive business climate in Ontario and also of reducing the costs of doing business. This move makes Ontario business more competitive and should contribute to more job creation in Ontario.

With regard to commercial-industrial business education tax, we understand that the government will be bringing other legislation forth to deal with the issue of commercial-industrial business education tax changes. Nevertheless, we want to use this opportunity to say that we and many of our members are delighted that the government has chosen to lay out a definitive plan to bring communities whose business education tax rate is above the estimated 3.2% provincial average in line with that level.

It's very important for communities like Toronto and Hamilton to have a local competitive environment so they can continue to flourish and thrive. In our pre-budget presentation, we asked the government to look for a creative solution that would not decimate Main Street for the sake of Bay Street, while still understanding the importance of Toronto to the economic wellbeing of the rest of the province.

Our recent annual convention in Owen Sound approved a resolution brought forward in part by your next presenters, the Toronto board of trade, to have a uniform province-wide business education tax rate fully implemented by January 1, 2001. I believe this government's firm commitment to resolving this issue will meet with the approval of many of our members, both big and small businesses.

In conclusion, the Ontario Chamber of Commerce strongly supports the government's commitment to making Ontario a more competitive jurisdiction and to creating a climate where business and consumers can enjoy prosperity.

We'd like to leave the government with one note of caution. In our analysis, we described the budget as "a silver budget with a dark lining," silver because of the reinforcement of the commitment to competitiveness, the dark lining because the deficit still continues to linger. We urge the government not lose sight of the goal of ensuring a balanced budget before the next election and of providing a comprehensive plan to reduce the debt. Once we have control of our debt — as you know, now at over

\$100 billion, and one person here said approaching \$130 billion before we can turn it — only then can we show ourselves to be one of the most competitive jurisdictions in North America. Thank you very much.

The Chair: Thank you very much for your presentation. That allows us just over a minute per caucus for questioning. We begin with the official opposition.

Mr Bruce Crozier (Essex South): Thank you for coming today, notwithstanding the delays you've had to endure.

In view of governments' — and I use the plural — history of borrowing for deficit spending, do you think that's a wise thing for a government to do?

Mr Robson: That's such an economic question. I'm going to turn to my chief economist and let him tackle it, if you don't mind, Mr Crozier.

Mr Atul Sharma: There are certainly instances where the government may have to look at deficit financing. Our view has been not that there should never, ever be any deficit financing, but it should be — at our annual convention we actually looked at a resolution which stated that the budget should be balanced over a four-year period. That would allow the government flexibility in any one year, that if they needed to look at deficit financing they'd be able to do that, but that over a four-year period the budget should be balanced.

The Chair: Thank you, Mr Crozier. We'll move to the third party.

Mr Crozier: Oh, and I had my best question left.

The Chair: Sorry. We only had a little over a minute.

Mr Tony Silipo (Dovercourt): Thank you, Mr Robson, for the presentation. I understand the position of the chamber with respect to the income tax cut, and I don't presume to change your mind, or for you to change my opposition to it. But I want to ask, with the fact that the government has had to add to the debt to fund that tax cut, to what extent that concerns the chamber, because obviously you also believe, as an organization, very strongly in the need for the debt to be reduced.

Mr Robson: We think what you're talking about, though, is part of that psychological climate, that you have to set that in place to get some of the activity we've seen. We appreciate the point that things that get a little bit worse before they get better, but we think that in setting the right climate for business, it's important that you have the tax cut along with the low interest rates and less government spending. Things are really on the move. A lot of the graphs, as you know, have never been better in Ontario in decades.

Mr Silipo: Right, and we'll leave for another day our continuing debate about whether it's the tax cuts that have caused that growth.

The Chair: We'll move to the government members.

Mr R. Gary Stewart (Peterborough): Thank you, Mr Robson, for your presentation. It was interesting to see on television the other night that Pataki from New York had an ad saying that they've reduced taxes by 20% and how it was resulting in job creation.

I've read through this. Certainly you represent the small business sector of the province. We've been criticized that this tax cut has moved too fast and it's too big. Do you feel that the economy would have bounced back as quickly as it has if we hadn't done that?

Mr Robson: I think it may have bounced because of low interest rates, but I think it bounced faster because of this. Government is getting out of the way of people.

I can't give you the figures, but John Kennedy years ago cut the American capital gains tax dramatically. Everybody said the government would be out of money. They never had more investment, they never had more activity up to that point when he slashed their capital gains tax. I think it's a fairly well proven thing that if you do this and get out of the way of business, they'll generate more wealth to the country, and in the end you'll get more tax revenues.

The Chair: Thank you very much for your presentation. We appreciate your taking the time to come forward.

There is a vote in the House. The requirement is that we recess until after the vote.

The committee recessed from 1628 to 1643.

BOARD OF TRADE OF METROPOLITAN TORONTO

The Chair: I call the committee back to order. The time will move rather quickly. I call on the members of the Board of Trade of Metropolitan Toronto to come forward and identify yourselves for Hansard, please.

Mr John Bech-Hansen: I'm John Bech-Hansen, Toronto board of trade.

The Chair: Thank you very much for coming forward. I believe you were here, but for those who are not aware, you have 10 minutes for presentation time. If there's any time remaining after your presentation, it's divided equally between the three caucuses for questions and answers. You may begin.

Mr Bech-Hansen: All right. I'm here on my lonesome. We don't have Elyse Allan, our president and CEO, as indicated on the sheet.

Our board of trade is the largest community chamber of commerce in Canada. I should mention, in the context of small business, that two thirds of our members are small business persons.

We're pleased to appear before the committee today in support of Bill 15, which implements the revenue measures announced in the budget. The budget of course delivered six months early on the single most important tax promise made by the current government in the election campaign, which is the 30% personal income tax reduction.

The board from the beginning conditionally supported this government's efforts to reduce the tax burden in Ontario. The two conditions we've always been concerned with are that (a) the tax cuts must not compromise the attainment of a balanced budget within a reasonable time frame — that's always been our main priority — and (b)

that there be prudent contingency measures put into place to manage the effects of a future economic slowdown. It would appear that the budget did achieve both of these measures.

I think it's worth noting that the constituency for tax reductions in Canada is growing very rapidly at this time. Canadians who endured the deficit battle are now demanding a payoff for their sacrifices as they see this battle finally being won. But cutting taxes should not be viewed just as a reward for the hardships endured during the recession. Lower income taxes will also increase the disposable income of Ontarians.

I should mention, in a Toronto context, that the budget indicates that Toronto taxpayers will receive \$1.12 billion annually in tax relief. I should also mention, because the board of trade is known as an organization which has been greatly concerned about the impact of the local services realignment, that's eight times larger than the impact of downloading was on Toronto.

Lower income taxes will also boost consumer confidence; reduce the taxation of capital gains and dividends, encouraging saving and investment; discourage the growth of the underground economy; increase the incentive to work; improve the labour cost competitiveness of the province; and deter migration by talented Ontarians to other jurisdictions.

The last point speaks to a growing problem in Canada today. More and more frequently we hear anecdotal stories about graduates from our computer, engineering, medical and business faculties taking up their careers in the United States or elsewhere. I can say, from my own experience as a staff person responsible for volunteer committees of the board, we've lost some good volunteers in the last year or so to the United States. Indeed, a recent report by Nesbitt Burns noted that a staggering one quarter of all Canadian doctoral students now leave Canada within two years of graduation.

We know that many individuals of course leave Canada to pursue greater professional opportunities in the United States or better income-earning opportunities. Governments have no influence over those factors, so taxes very much come into play. We're therefore pleased that Bill 15 reduces taxes on personal income and makes changes in other areas such as small business income.

I just want to raise two concerns, though. When our taxation committee looks at the overall tax cut in Ontario, while it is very much appreciated that the income tax rate has been reduced, each stage of the tax cut has been accompanied by an offsetting adjustment in the fair share health care levy, a charge which was based on the old Ontario surtax. This does serve to claw back a large measure of the benefit of the income tax cut for higher-income individuals, the very individuals I was just speaking of who are increasingly moving to the United States to pursue their careers there.

That leaves Ontario with a very high combined federal-provincial top marginal tax rate of around 49.6%, quite a bit higher than you have in Alberta and considerably higher than in the United States. The point I just want to

make about that is that, until marginal rates of income tax are eventually brought closer in line with the United States, Ontario will continue to be at risk of losing talented people in a brain drain to the United States. We anticipate that this problem is just going to get worse if the US economy continues to maintain its significant performance advantage over Canada's.

A second concern I want to draw attention to is the large number of special tax credits that were announced in the 1997 and 1998 budgets and either implemented or amended in Bill 15. We don't object to the government introducing narrowly targeted tax subsidies aimed at encouraging growth and investment in particular industry sectors such as film and television production, book publishing, computer animation, but the concern is that these incentives have been offered without specific investment and job creation targets in mind.

As I was just discussing with somebody here, the pharmaceutical patent protection that the federal government brought in was offered with specific requirements that R&D performance be attained. Specific targets were set and they were met. In the name of public accountability and prudent fiscal management, taxpayers are owed concrete performance objectives for incentives like these and an eventual reckoning of their success or failure in achieving them.

Finally, while it's not part of this bill, I do want to thank, as did the Ontario Chamber of Commerce, the government announcement in the budget relating to commercial and industrial education taxes which recognizes the need for province-wide equity and fairness in that tax. It's going to reduce the burden of those taxes in Toronto by between 25% and 50% over the next eight years. As you know, there's no other jurisdiction in North America that has higher property taxes than Toronto does, so this is going to overwhelmingly improve our ability to compete with other jurisdictions.

The Chair: Thank you very much for your presentation. That allows us approximately one minute per caucus for questions and answers. We begin with the third party.

1650

Mr Silipo: What's the position of the Toronto board of trade with respect to the level of funding and the cuts to funding to the education system and, in particular, what that's going to do in the Toronto area?

Mr Bech-Hansen: I was just going to say that our main concern is we're going to be looking at the impact locally on the Toronto school board and the Toronto Catholic school board. As you know, one of the changes that has come out of Bill 160 is that there is going to be greater equity between the public and the Catholic systems, and I think it is generally fair in the name of equity that that should occur.

We did express concern to the government late last year about the new funding formulas that were accompanying Bill 160. The great fear in those days, of course, was that the government might be eliminating as much as \$500 million out of the Toronto school system and that fear certainly wasn't justified by what—

Mr Silipo: That's the sum the public board believes is going to come out over the next five years.

Mr Bech-Hansen: It is a bit unclear to us because you have two different perspectives on it, one coming from the school system and one coming from the province, but it does not look like the kind of impact that was originally feared did come to pass. I think the generally agreed-upon number of the effect on the Toronto school board might be in the neighbourhood of \$90 million, which, out of a \$2-billion budget, is not going to be the kind of constraint that I think will either make or break them. One of the concerns we always have about local control of education finance is that school boards really face no constraints on their spending, especially in places like Toronto where they were 100% dependent on the property tax.

Mr Young: There are more people working in Toronto now and we see a lot of construction projects. Can you comment on how our government's policies have helped Toronto and your members economically?

Mr Bech-Hansen: I think, to be fair, as an economist who looks at all the factors, it's a blend of different things that are occurring: low interest rates, low inflation, a low dollar and lower tax rates in Ontario. Certainly what you've seen from the economic reports around the country is that Ontario seems to be doing a great deal better than the other provinces on the job creation front.

Mr Young: Exactly. British Columbia has low interest rates as well.

Mr Bech-Hansen: That's right, so the difference might be tax factors. It would be too soon to say, for example, that the education tax changes you made are causing the immediate boom. But I think it will help sustain it as we go ahead because business planning is always over the long term, and if you can predict quite accurately that education taxes are going to be lower eight years from now, that's a pretty good basis upon which to make an investment decision. That's why we think we're just at the beginning of the kind of activity we'll be having in Toronto over the next few years.

Mr Crozier: Yesterday we had an outstanding presentation by Ann Pohl from the Coalition for a Public Inquiry into the Death of Dudley George, and the parliamentary assistant went to some length in saying she was out of order because she wasn't addressing Bill 15. I was a little surprised that when you concluded today by addressing something that is not part of Bill 15, the PA didn't object to that as well.

You've made reference to tax rates in the United States, our marginal rate being 49.6%, theirs being 39%. What happens if you factor in the cost of health care in the United States?

Mr Bech-Hansen: That's a question that comes up quite often and, of course, there would be some closing of the gap. But the point that I'm just trying to draw attention to here is that this government, in implementing the tax cuts, has been very good about ensuring that the progressivity of the tax system has been maintained. They've been quite good at advertising the fact that it's people at

the lower end of the income scale who are getting the full benefit of the 30% cut, and not those at the upper end.

I'm just drawing attention to the fact that there are high-income-earning individuals or individuals with the potential of high-income earnings in certain high-demand professions who we are at risk of losing to the United States. This is coming up time and again lately. The brain drain is something that has always been talked about; it's just that with a sizzling United States economy it has very much come to the fore in the past year or two. That may be cause to give some consideration to the distribution of the tax cuts as we move ahead.

The Chair: Thank you very much for taking the time to come forward with your presentation. We very much appreciate it.

For the committee members, just so they understand, as you're well aware, we've had some time changes and on each of the notices that has been handed out at the bottom it says, "Subject to change." I'm going to try to the best of my ability to accommodate all groups as much as possible.

ONTARIO HOME BUILDERS' ASSOCIATION

The Chair: At this time I ask the Ontario Home Builders' Association to come forward as I understand they have a flight very shortly. If you could come forward and identify yourself for Hansard, we would greatly appreciate it.

Mr Young: On a point of order, Chair: I believe we're going to try and divide the time up. I think the delegation has agreed to give up a little bit of time, to make a shorter presentation. We would want another group to come forward at the same time if that's necessary to meet your schedule. If you want them to do a joint presentation, we're just as happy for them to do a short five-minute presentation and then another group come up another time. It's your call.

The Chair: Is that acceptable to the committee? That's fine.

Ms Celia Teale: Good afternoon. My name is Celia Teale. I am a vice-president of the Ontario Home Builders' Association and a planner for a home building company in Sudbury. With me is Peter Goldthorpe, OHBA's director of public affairs. I would just like to thank the committee for accommodating my schedule. I have a flight to catch back. Thank you very much.

Earlier this year two of my colleagues appeared before a standing committee to discuss the upcoming budget. Their message had two general themes. The first was that the home building industry strongly supports the government's fiscal policies. The second was that the industry needed an extension of the land transfer tax rebate to assist buyers and offset expected cost increases. I am going to talk about the land transfer tax rebate and the condition of the housing market. Then I will turn it over to Peter to talk about the government's overall fiscal strategy.

If you were reading the headlines earlier this year, you might wonder why we are asking for an extension of the land transfer tax rebate. Provincial housing starts showed continuous growth and we expect the provincial total will be well ahead of last year. But this general trend obscures two important facts.

First, even in so-called healthy markets, buyers are extremely price-sensitive. Canada Mortgage and Housing Corp estimates that 70% of Canadians who have used a 5% down payment to buy their home could not have made a larger down payment. This means they did not have even a couple of thousand additional dollars to put down.

Second, not all markets are equally healthy. I will talk about my city of Sudbury, but what I say could be echoed by builders living in any other northern city in Ontario and in many other southern Ontario cities. We have attached five years of historical data from our 1998 pre-budget submission.

You can see that, for many cities, starts in 1997 were behind those in 1993 when we were mired in a depression. First-quarter starts for single detached homes in Sudbury paint an even more discouraging picture. In 1990, we started 140 homes in Sudbury during the first quarter. This year, we started four. In the early 1990s, we fell to a range of 40 to 70 starts for the first quarter. In 1996, we fell again into the teens. Now we are in the single digits.

Having said that, I want to hasten to add that there may be light at the end of the tunnel. Commercial construction is active and big boxers have chosen to locate in Sudbury. As well, starts are catching up a bit. We are now up to 41, but this is down from 62 from last year.

The important thing is to keep housing costs low so we can nurture a recovery when it begins. That is why we asked for an extension of the land transfer tax rebate. This rebate has helped over 28,000 families buy their first home. For many of these purchases, the \$1,000 or \$1,500 they get from the land transfer tax rebate is the amount that makes the difference between buying a home and not buying a home.

I will now turn things over to Peter to talk about some of the other tax measures in the bill that OHBA supports.

Mr Peter Goldthorpe: I can hear the bells ringing, so in the interests of brevity, all I want to point out is that there has been quite a bit of discussion about the timing of the income tax cut.

Between 1996 and 1999, a two-income couple earning a net income of \$44,000 will save almost \$2,200 from their provincial income tax reduction. If this money is saved and added to the land transfer tax rebate, this couple will be well on their way towards a down payment on their first home, and that progress is on the basis of tax savings alone.

Often overlooked in the discussion about the timing is the simple fact that families in Ontario have been treading water for the last 10 years in terms of their purchasing power. If you look at the stagnant purchasing power and rising taxes over the last 10 years, a compelling case can be made that the cuts to Ontario's personal income tax rate are long overdue. If this cut in the personal income

tax rate helps the industry's customers, the cut in the corporate rate for small business will help the home builders directly.

A typical home builder in Ontario builds one to five houses a year. It's a small, family-run business operating on a shoestring that is being increasingly squeezed by rising costs and competition in a price-sensitive market, so the tax cut for small businesses combined with the land transfer tax will put the home building industry in a much better position to provide affordable housing for families in Ontario.

The Chair: Thank you very much. Actually that's five minutes and one second. Very good. We appreciate your taking the time to come forward.

1700

CANADIAN FEDERATION OF INDEPENDENT BUSINESS

The Chair: At this time we will call the Canadian Federation of Independent Business. If you could come forward and identify yourselves for Hansard, we would appreciate it.

Mr Young: On a point of order, Chair: I believe the delegation has agreed to a shorter presentation to help others make presentations today. It would be in the order of seven minutes. Is that agreeable?

Ms Judith Andrew: That's fine.

Mr Young: Thank you very much.

Ms Andrew: Good afternoon, Mr Chairman and members of the committee. I'm Judith Andrew, executive director of provincial policy with the Canadian Federation of Independent Business, and joining me is CFIB senior vice-president, Brien Gray.

We appreciate the opportunity to appear today before the justice committee in respect of government Bill 15. I do apologize. We were here at the appointed time and then we came back at a subsequent appointed time. We're here for the third time and very pleased to be here.

In terms of small business a quote from Louis XIV's treasurer, Jean-Baptiste Colbert, says it all: "The art of taxation consists in so plucking the goose to obtain the largest amount of feathers with the least possible amount of hissing." Canadian governments have become adept at plucking taxpayers in increasingly surreptitious ways, such as failing to index tax brackets, holding down RRSP deductions and increasing the less conspicuous forms of taxation such as payroll taxes, fees, licences etc. The small business sector has certainly noticed this and the small business geese that lay those golden eggs called jobs have been hissing until they are hoarse. Accordingly, the tax relief being implemented by the Ontario government in this legislation is both welcome and necessary.

I would point out that the perennial number one concern of small and medium-sized businesses is the cumulative load of taxes, levies and fees which are extracted by all levels of government. When we track total tax burden among our membership, it shows that it peaked at 91% in

1994, and more recently that level of concern has subsided somewhat to about 83%. But this leaves four in five small business owners in Ontario indicating that the total tax burden is a significant concern.

CFIB supports the Ontario government's delivering its promised 30% personal income tax cut on an accelerated basis. In fact, we suggested accelerating the tax cut in order to help jump-start consumer spending and offset the consumption-dampening tax moves by the federal government. CFIB members support the PIT cut as a means of leaving more of Ontarians' hard-earned money in their own pockets; in fact \$4.6 billion more disposable income will be theirs to spend with the full implementation of this measure. With the fair share health care levy clawing back from high-income earners, the bulk of the benefit is in fact geared to lower- and middle-income groups, making it more likely that it will be spent on goods and services in support of local enterprise and local job creation.

Our Hard Facts Survey found over 80% of respondents indicating that increased customer demand is the leading condition necessary for small firms to hire more employees in 1998. This, of course, supports the personal income tax cut strongly. It also reinforces earlier findings from our 1996 study, *On Hire Ground*, which showed that cutting taxes for consumers is certainly key to encouraging hiring.

Our 1997 Focus on Ontario Survey found negligible support for reversing the personal income tax cut relief; in fact only 0.8% supported that in terms of Ontario's overall fiscal plan. Accordingly, our message today is that undoing the personal income tax relief would definitely not be a winning strategy in the small business sector.

When one deals first with the profit-insensitive taxes, including property tax and workers' safety and insurance board payroll tax, and then finally the personal income tax, we turn to corporate income tax, and that is the next most harmful tax to small business in Ontario. Corporate income taxes are identified by 40% of our member firms as injurious to their business. In our prebudget submission, we recommended that the province lower its small business corporate income tax rate by at least one point to move Ontario from the position of having the highest small business CIT rate in the country. We also urged the Ontario government to help press the federal government to update for inflation towards \$400,000, the present \$200,000 small business deduction.

Small business welcomes the measures contained in Bill 15 to enshrine into law the announced corporate income tax rate decreases, which will move Ontario's small business corporate income tax rate from the highest in the country to the lowest by January 1, 2006, assuming that other provinces do not move in the interim.

It remains of concern that these improved rates will only apply to the first \$200,000 of active business income and that the small business deduction has not been updated. The clawback of the benefit is accomplished quickly through a 7.17% surtax applied on taxable income between \$200,000 and \$500,000. You'll see this. It's not immediately evident, but it's buried in section 11 of the

bill. This means that the marginal rate of taxation on income over \$200,000 is very high and, when combined with the federal rate, extracts over half of the income, which could be a potential barrier to growth and investment beyond that \$200,000 level.

CFIB urges the Ontario government to continue finding ways to reduce its claim on smaller firms' revenue and to use its leverage to convince other taxing authorities to do the same. Tax relief is of little value if the vacated tax room is scooped for federal purposes, municipal purposes or workers' compensation and insurance purposes, which will detract from growing small businesses, jobs and communities.

Your kits contain a number of supporting documents that show these survey results in further detail, as well as some material dealing with the federal issues. We would be delighted to attempt to answer your questions.

The Chair: Actually, that leaves us about 30 seconds. I think we can allow one question from the government side.

Mr Young: Thank you very much. What are the most important factors —

Interjection.

The Chair: Mr Crozier, the government was next on the list. I'll allow the official opposition, when there's time for one question, for your party to have that and cycle it through.

Mr Young: What factors have you found that influence firms to hire new employees? What are the most influential factors in influencing firms to hire new employees?

Ms Andrew: The folder chits that you have contain this document, which is a coloured, glossy chart entitled, "Which Government Policies Would Encourage More Hiring"; this is from On Hire Ground, our job study. Number one is, "Reduce payroll taxes" — 51%; then "Cut taxes for consumers" — 40%; "Government spending restraint" — 37%; "Reduce paper burden" — 34%; and so forth down the list.

Mr Young: Sounds like our agenda.

The Chair: Thank you very much for coming forward with your presentation. We very much appreciate your taking the time.

1710

CAMPAIGN FOR A BETTER BRANTFORD

The Chair: At this time we call on Campaign for a Better Brantford. If the individual or individuals could come forward and identify yourself for Hansard, we would greatly appreciate it. I believe we're fairly close to being back on track again, so it appears that you may have 10 minutes for a presentation. You may begin.

Ms Sarah Bolton: Good afternoon, Mr Chairman and committee members. My name is Sarah Bolton and I live in Brantford, Ontario, near the banks of the Grand River. I hope it will be constructive for you to hear from someone living in a community that is proceeding under the charity casino scheme. The questions I will put forth to you are

ones which residents of my community have not received any answers to. These questions and our story will speak to the implications of moving forward with the gaming portion of Bill 15 and thus with the charity casino project in general.

My first question in regard to Bill 15 is the repeal of VLTs. The concerns leading to their abolition were about this type of electronic gambling usually being faster and more addictive than other forms. Ivan Sacks of Canadian Gaming News said that to suggest there is a speed differential between VLTs and slots is like saying a Ford is faster than a Chev. My question then is, if this government's slot machines are slower than VLTs, why has the government not revised its projected revenues accordingly? Will this government's slot machines be any slower and therefore less addictive than VLTs? It concerns me that on April 9, when Mr Hodgson revealed the new scenario, there was no decrease in the expectation of how much gamblers would be losing at slots versus VLTs.

Many would say that when it comes down to it, slot machines are no better than video lottery terminals. Again, Ivan Sacks said, on CBC radio, that he advised the government a long time ago to avoid the controversy of VLTs and that slots are better because people are more comfortable with them, they make nice noises and people get the thrill of real money coming out. Does this make them less addictive?

Charities didn't need VLTs and they don't need slots. Who does? I suppose that would be the government and the casino operators. Under the charity casino scheme, one is led to believe that for every gaming table there would not be more than 4 slot machines. That's how all of the ratios work out. But there is no guarantee of this. I've noticed that our proponent is increasingly using the term "gaming positions," which avoids any specificity regarding slots and table games. I would hope that caps to slots and tables be secured in legislation.

Before moving on to my next question, I think I should explain the kind of facility that is in the process of approval for Brantford. You're likely familiar with the recommendations of the Coopers and Lybrand study and the gist of the requests for proposals issued by the province. If so, you may be surprised at what is taking shape in Brantford. I think it's important that everyone understands the reality of implementation of the charity casino project and that we have a common understanding of what a charity casino is.

In terms of tables and gaming machines, RPC Anchor Gaming is seeking licence for an increase of at least 500% over what the Coopers and Lybrand study determined Brantford could sustain. RPC Anchor Gaming has assumed, in all of its projections, a minimum of 80 tables and 300 slots. Mr Garth Manness, president of the Ontario Lottery Corp, indicated in the letter of May 4, 1998, "It is our understanding that the government of Ontario is prepared to allocate the number of table games and machines requested." In principle then, unfortunately, it seems this government does not have a problem with gaming expansion in my community.

Thankfully, in that same letter to the chair of Brantford's gaming committee, Mr Manness requested "any information that you may have ensuring the expansion contemplated will not impact the viability of future neighbouring charity casinos." Although it requested only thumbs-up information, we had to assume that the Ontario Lottery Corp would want all and any valid information. This committee should be aware that the Six Nations Indian Reserve bordering Brantford is vehemently opposed to the city's plans out of concern for their own options. We have communicated this and many other issues to Mr Manness. However, both the gaming secretariat and the Ontario Lottery Corp advised us that they couldn't give us the guidelines they would be using, that they weren't available at that time. I guess the concern here is, is this a situation where you have to be an insider to know what's going on and what the rules are?

The Chair: Excuse me, I'm going to have to interrupt you at this time. I'll just hold your presentation as is to allow the members to go for a vote. We will be back shortly after the vote.

The committee recessed from 1714 to 1722.

The Chair: I call this committee back to order. You may continue.

Ms Bolton: Stephanie Bolton, who is of no relation to me, of the Gaming Control Commission information office, said that one of the key distinguishing factors of the charity gaming clubs were their size. She explained that they would be one tenth the size of commercial casinos. But according to data reported on all 55 casinos across Canada in the July 1997 Casino Executive Magazine, the charity gaming club considered for Brantford would have the fifth-highest number of tables and the 13th-highest number of electronic gaming in the nation. That is to say that 91% of Canada's casinos, commercial and charity casinos considered, have fewer table games and 80% have fewer gaming machines than what is being proposed as a minimum request for Brantford. For instance, Casino Windsor, a commercial casino, has 77 tables; Brantford's charity casino is slated to have 80.

Coopers and Lybrand said that we would be eligible for a seasonal/part-time casino. We are now expecting a permanent, 24-hour, 365-day-a-year facility. The casino will be open 8,760 hours a year in a city accustomed to not more than 752 hours of Monte Carlo gambling. This is an increase of 1,164% in casino-type gaming in my community.

The building conditionally purchased for a charity casino by the operator is a 60,000-square-foot facility. There is the potential to provide 42,000 square feet of gaming space, which exceeds what would, by industry standards, be considered an entry-level, full-scale commercial casino and certainly exceeds the 10,000 square feet usually associated with charity casinos.

Except in border communities like Niagara Falls, the justification for size and suitability of charity casinos is based on local patronage. The province was divided into market area groupings. Our proponent's business plan ignores these constraints and has claimed that 90% of

their patronage would be taken from at least seven other market areas. This figure has been questioned by the Conference Board of Canada and by professor William Thompson, a gaming expert of the University of Nevada at Las Vegas. The casino proponents still stand by this assertion and even go further to say that the propensity of residents of Brant county, in which Brantford is located, will actually be much less than the accepted average. For whatever reason, only 25% of our residents will have the propensity to gamble, they say.

In spite of the shift to a tourist destination rationale to justify a larger casino, no tourism study was conducted. An expert tourism panel could have been assembled to study this feasibility. Mr Boose of RPC acknowledged that there are no empirical data to support their market-draw assumptions. This is the proponent who was screened and chosen for our community by our government. This is a so-called small charity casino, for which there was absolutely no public consultation, nor consultation with charities.

Please remember that Brantford city council had originally voted unanimously against rezoning for a charity gaming club anywhere within our city on April 1, 1997, against rezoning for a charity gaming club anywhere within our city, and Premier Harris has stated unequivocally that there would be no more commercial casinos until a province-wide referendum had been conducted. A year later our city council again did not end up approving rezoning for a charity gaming club. This time, at the very last possible moment, any mention to charity was removed. Brantford city council approved rezoning for a gaming establishment.

My second question with respect to Bill 15 is, what legal obligation does the Ontario Lottery Corp have to provide money to charities from the casinos, and conversely, what legal right do charities have to expect to receive money from these casinos?

Section 8.3(1), paragraph 3, gives the government the options as to whom to distribute proceeds. The OLC could give money "for the benefit of charitable organizations and non-profit corporations," which is what we are told this whole thing has been about, or they could give money "for the support of other" beneficial "activities and programs." Our reading of this bill indicates that not one cent of casino money must be given to charities. Most, or even all, of the so-called charity allotment could potentially go to any ministry or agency that has an activity or program that could be classified as beneficial.

The British Columbia court ruling said it very well, that health care and education are not issues of charity, they are issues of duty. But undoubtedly they could be interpreted as programs for the benefit of the people of Ontario such that, as it exists here, Bill 15 allows for funding of basic services to be determined by the spin of a wheel and the luck of the draw.

My third question is, is the government misleading us? These are not charity casinos by criminal law definition. Ours is not defined as a charity casino at the most basic municipal zoning level, and Bill 15 clearly suggests that at

the provincial level there is no obligation to charities. I'm not confident that my community has been receiving the straight goods. Seeking swift approval of their casino proposal, Bill Rutsey, president of RPC Gaming Ltd, discouraged Brantford from undertaking any independent analysis of his project. Although promoting a parallel project in Sarnia, Rutsey denied that Sarnia was conducting an independent evaluation. As it turns out, not only has Sarnia commissioned such a report, but Mr Rutsey's company is in fact paying for it.

Brantford is not getting a fair deal. People started playing this high-stakes game behind closed doors. Minutes from in camera meetings at which casino issues were discussed last year were just recently obtained from our city under the Municipal Freedom of Information and Protection of Privacy Act. These indicate that on March 26, 1997, a representative of a group of commercial casino investors wrote to our chief administrative officer claiming that, in spite of Premier Harris's statements against more commercial casinos, "At the moment, ministers who are favourable to casinos and/or the provincial revenues from casinos are in the right portfolios."

The Chair: I need to interrupt again. If you could summarize, we would appreciate it, please.

Ms Bolton: Okay.

At a committee of the whole meeting less than a week later, our CAO indicated, in response to questioning from our mayor, "The group interested in putting a casino in the Icomm has strong connections with the Conservative government." What we don't know is if this is a commercial casino or if this is a charity casino. By all legal definitions it doesn't seem to be a charity casino, and if it's a commercial casino we would really appreciate it if Premier Harris would allow a province-wide referendum first.

The Chair: I very much appreciate your bringing your presentation forward. Unfortunately we have no time, as I'm sure you're well aware, for questions and answers. Thank you very much.

1730

CANADIAN AUTO WORKERS

The Chair: We call on the next presenters. Would the members of the Canadian Auto Workers come forward and identify yourselves. Just so you know, you have 10 minutes for presentation time. If there's any time remaining at the conclusion of your presentation, it's divided equally between the three caucuses. You may begin, please.

Mr Buzz Hargrove: Thank you very much, Mr Chairman, members of the committee, for the opportunity to be here to comment on Bill 15. The thrust of Bill 15 is the finalization of the government's tax cuts.

I just want to take the opportunity to try to express to the committee the feelings of our members at the Boeing-McDonnell Douglas plant out in Malton. Over 2,000 of them were notified that by the end of next year their plant will be closed and their jobs gone. Tax cuts aren't very

meaningful to people who don't have income, who don't have jobs. They wanted the committee that's with me — Alex Foulds, on my left, is the president of about 1,500 plant workers. Charles Aisling, on my right, is the president of over 200 office workers. Danny is the chairperson for the plant workers who are here.

Premier Harris's dismissing the concerns of our membership when the announcement was made by Boeing that the plant was closing, for him to just say that we're a casualty of the global economy, that we're not competitive, was insensitive, at best. It certainly showed a lack of understanding of the facility, a lack of understanding of the industry.

I just want to make three or four points, if I may, and hopefully the committee will have time to comment.

This facility's workforce is one of the most highly skilled and produces some of the best quality and best productivity in the aerospace supplier industry around the world, well recognized in every aspect of their work. Their problem is not the plant being uncompetitive, it's working for a company that didn't keep up with the leading edge of technology, the leading edge of what was happening in the airline industry, and found themselves producing jets that weren't acceptable in the marketplace.

They were taken over by Boeing Corp and within a few months they announced they were discontinuing two lines of the jets, the MD-80 and the MD-90. Its most recent announcement was a discontinuance of the MD-11. That leaves our plant at the end of next year with 300 or 400 people building wings for the 717, which was formerly the MD-95 of McDonnell Douglas, which Boeing renamed.

The decision not to produce wings for planes that don't sell is a very intelligent business decision, one we would support. What we don't understand is the government not understanding the significance of this facility, a government that claims that tax cuts are about job creation willing to dismiss 2,000 jobs. Most economists, even Conservative economists, in the aerospace industry will argue that the spinoff of these jobs is about four to one, which brings the number well over 10,000 jobs in the greater Toronto area. The most important spinoff is the development of new technologies, new methods that are able to be spilled out into the rest of the economy.

As one example, the Canadarm that's used in the space system was developed by Spar Aerospace, which was a spinoff of the de Havilland plant. There are literally hundreds of suppliers out there that produce parts for McDonnell Douglas but also take advantage of the development of new technology in their own businesses and end up as entrepreneurs that provide a lot of other jobs. All of these people will be impacted.

We have 2,000 jobs in an industry that is supported by government around the world. Anywhere where the aerospace industry thrives and grows it's supported by government, whether it's in Europe, where most of the industry is owned either wholly or partly by government, or in the United States, where it's supported by military purchases. All of the major players have major commitments from the military which allow them to develop new

technologies and new ideas that are spinoffs not only for their companies but for the industry and the economy as a whole.

Here in Canada we have consistently, up until the last two or three years, recognized the importance of this industry and how you support it. Just an example was the de Havilland company. Boeing moved into de Havilland and decided it could build a small commuter jet a few years ago, around 1990. It found out after two or three years and \$1 billion that they couldn't and they withdrew, and the plant was scheduled to close. We had about 1,300 people working in that plant in Malton, Ontario.

We went to the government and made the same argument. The government of the day was the Bob Rae NDP government, as you're aware. We said, "How do you talk about building a modern economy of high-tech, high-value-added jobs if you start by giving up on the very high value added, high-tech jobs that are currently there?"

After a lot of debate and, by the way, with the opposition of the third party that was led by Mr Harris at that time — I don't know how many people here were around — we still were able to convince the NDP government of the day, which Mr Silipo was part of, to pull together a package of some \$300 million. They bought a share, 49%, they brought in a private sector partner, they put in \$200 million in interest-free loans, and what happened? We went from a plant of 1,300 and closing to a plant of over 5,000 people and hiring. The payroll alone for the greater Toronto area for just this plant, never mind the spinoff effect of it, is \$260 million, over a quarter of a billion dollars. The taxes that people pay who work there, the taxes that the company pays on the purchases of goods and services and supplies and parts for that facility, are phenomenal. We are on the leading edge of both the commuter jet and the executive jet, the global express at de Havilland.

I want to conclude by saying this plant can't be dismissed, this decision can't be dismissed. I've been part of so many situations over the last 10 or 15 years like de Havilland where people are too quick to write off current jobs, good jobs. I go back to the early 1980s when a lot of people wrote off Chrysler and the Tory government of the day, Bill Davis, didn't write them off. They came in and supported them. What do we have today as a result of the Liberal government in Ottawa and the Tory government in Queen's Park supporting the survival of Chrysler? We have one of the leading-edge companies in the auto industry today. It's producing some of the best products around the world today and just announced a merger with a major German company, which moves it into the second largest capitalized company in this industry around the world.

These are decisions that are being made today that could very well be the good-news story that we talk about four or five years down the road. So I am, Mr Chairman and members of the committee, appealing to people to talk to people who know a little bit about this industry before we dismiss this many jobs and this many families, the impact on communities.

I listened to the small-business group here make a presentation talking about the tax cuts. Our people support the small-business community both in terms of the jobs and the work we do in the McDonnell Douglas-Boeing plant and also in the paycheques that are spent in the small businesses, much more meaningful than the tax cuts we're talking about up to the year 2006. I think most business people in that area would tell you, if you were to go out and talk to them, the same thing.

We're talking about a bad-news story that should be and could be a good-news story if we pull together people around the table. Mr Harris, in response to my letter, has now said he's willing to do that. I've talked twice to Mr Palladini. He assures me there's going to be a meeting. But, you know, one thing we've learned over the years: Don't sit back and wait. Keep pushing and rattling the bushes. There's too much at stake: too much at stake for our members, their families, their communities, too much at stake for the province and the country. You can't let these high-tech, high value added jobs go and write off the future opportunities for the development of new technology in the province of Ontario.

Thank you very much. I'd be happy to answer any of your questions.

The Chair: That allows us just enough time for one comment or question, and I believe it's the official opposition.

Mr Crozier: Thank you, Mr Hargrove. I appreciate your comments today. I guess since we have very limited time, my comment would be that I share — well, no, I don't. When you said you were surprised that Mr Harris would simply dismiss this loss of jobs, I think anybody who will take \$37 a month away from expectant mothers and say that they spend it on beer and then says his reading material is Mr Silly — it's not surprising he would come up with a comment like that.

Mr Hargrove: Our members drink our share of beer. The pub owners love it.

The Chair: Thank you very much for your presentation. We very much appreciate your taking the time to come forward today.

ONTARIO UNDERGRADUATE STUDENT ALLIANCE

ONTARIO COMMUNITY COLLEGE STUDENT PARLIAMENTARY ASSOCIATION

The Chair: At this time I would call forward the Ontario Undergraduate Student Alliance and the Ontario Community College Student Parliamentary Association, if you could come forward and identify yourself for Hansard. You have 10 minutes for presentation time. At the end of your presentation, the time is divided equally between the three parties. You may begin.

Mr Andrew Boggs: Thank you very much, Mr Chair. My name is Andrew Boggs. I'm the executive director of

the Ontario Undergraduate Student Alliance. With me today are Ms Cynthia Hilliard, who is the executive director of the Ontario Community College Student Parliamentary Association, and Mr Rick Martin, who is senior policy analyst with OUSA. We appreciate the chance to address the committee on behalf of college and university students across the province.

1740

Ms Cynthia Hilliard: As members will be aware, the government announced this year the most fundamental shift in funding of higher education we have seen in decades. By eliminating government restrictions on how much tuition can be charged for a long list of programs, the government has shifted a great deal of the cost of higher education to students.

This new approach raises a great many issues, questions about how much is fair to charge students and, quite apart from questions of fairness, how much it is realistic to expect students to pay. One of the most significant developments in recent months has been the clear indication by banks involved in delivering student aid that more must be done to deal with student debt load and that without serious attention to this issue, many students will have higher debts than they can reasonably be expected to pay.

Our organizations have always held that little can be said about what level of fees is appropriate without taking financial aid into account. We want to focus today on what must be done to help maintain accessibility in a deregulated environment.

Mr Rick Martin: To begin with, we have to give the government credit for one measure that has already been taken. In announcing the details of deregulation, the government made it clear that any institution which raises fees above current levels must provide enough financial aid to ensure that every student is able to attend. The needs assessment model which is part of the Ontario student assistance program will be used to determine how much each student needs, but the amount of tuition fee covered by OSAP will not rise above current levels. It will be up to institutions to provide aid for students whose resources, as measured by OSAP, will not cover these additional fees.

This rule is one that we lobbied for, and we are grateful to the government for implementing it. We know that it was vigorously opposed by some university presidents. The extent to which deregulation affects access will depend largely on how serious the government is in policing this matter to make sure that colleges and universities live up to their obligations.

Mr Boggs: While we regard this role as essential to protect access in the current environment, we also realize that it's far from ideal. It means that the increased cost of student aid will be borne by students themselves through increased tuition fees. The philosophical issues this raises are obvious. Some of the practical problems it raises are perhaps less apparent.

To begin with, by shifting so much responsibility for student aid to the institution, the government has created a more complex administrative structure. Each institution

will now have to have a sophisticated set of student aid measures administered in-house. There are currently many schools, particularly the smaller ones, that do not have the staff or resources needed for this project. Even if such structures were already in place, the fact remains that they would be more complicated and less efficient than a single centralized approach. This is an obvious irony in that the government hoped to create a more cost-effective system. As the American example makes clear, the cost of providing aid at this level is much higher due to the duplication it inevitably involves.

Ms Hilliard: It is also the case that it will lead to inconsistencies and inequities in the kind of aid provided. Some schools have more resources than others and therefore will be able to provide more student aid and to make a larger portion of their aid non-refundable.

It would be extremely difficult for any school to run its own loan program. What is more likely to occur is that deals will be struck with various banks to provide loans to students in different programs, but it is very likely that some students, or perhaps some whole programs, will not be thought good risks by the banks. Keep in mind that they will be asked to give loans over and above what the government is giving already so that most of those involved will have very substantial debt loads.

Mr Boggs: In short, what we'd like to say is that the requirement for institutional student aid is necessary, but we beg the government to see it as a stopgap measure. In the long run, a more thoughtful and systematic approach to student aid is essential, to look at the issue from a province-wide perspective. What we're looking for is not just broad consultation, but a broad involvement in formulating creative solutions to the student aid issue in the province. What we have circulated is a proposed working group on how we could begin addressing this issue.

I'd like to thank the committee for the opportunity to speak with you this afternoon.

Mr Silipo: Thanks very much for the presentation. I just wondered, in terms of the process that you're suggesting here, whether you've had any chance to raise this with government representatives, from the minister on to anybody else, and what, if any, reaction you've received.

Mr Boggs: We have had a commitment from the minister on a number of occasions that he's committing himself to consultation on this very issue. What seems to have been slowing it up was exactly what form it would take, so we've taken the initiative of creating the form we'd like to see it occur in. We will be meeting with both members of government and members of the ministry over this coming week in order to sell our proposal.

Mr John O'Toole (Durham East): It's great to see young students. I commend you for your presentation, and I'm certain the consultations would be beneficial.

More of a comment: I have three children of my own who are in university, and I know it is a challenge. We certainly need to be involved as part of that learning process.

I'd just ask, without trying to be trite or strident about it, who really should pay for your education? Is education an investment? Maybe that's too practical a question.

Mr Martin: Perhaps I could respond. This is a question that obviously comes up a great deal when tuition levels are discussed.

Mr O'Toole: I'm wondering if I should be paying for my children or you should. Who should be paying for your education? Who should make those fundamental choices?

Mr Martin: I'd like to suggest that it is an investment. It has to be seen as an investment for the individual and for the society as a whole. There's no doubt that it leads to higher employment levels and to higher average incomes. These are all good reasons both for the individual and for society to support education.

One way this question is sometimes phrased is, "Who benefits most from your education?" If the question is put that way, there's no doubt that an individual benefits more from his or her education than anyone else. But I'd suggest another question: "What do you benefit more from, the fact that you as an individual are educated or the simple fact that you are part of an educated society?" If you think of the benefits you receive from the people who design your cars and from your doctor, your lawyer, the people who write your laws — the list goes on and on — I don't think there's any doubt that the benefits which flow to every member of this society, because of the educational basis it has, far exceed the marginal benefits that an individual gets from that.

Mr Crozier: I think your answer was just fine. Some would have such a narrow view that they would say, possibly, that the individual who goes out and earns the money is the one who should make the investment, but I agree with you that all of us have a responsibility to invest in an educated society, and we have to invest in our young people. To simply put that those who go to school pay to go to school — if we had taken that view over the years, there may be even some in this room who wouldn't have had a university education.

I feel a little strange, because it's people of my generation and maybe a little bit younger than me, who have had the benefit of an educational system supported by the public, who are now saying: "Wait a minute. You should pay for yours all on your own." I don't recall anybody coming before the committee and saying, "When I went to university, I insisted that I pay for it all on my own." So I think your answer was absolutely right on, that we all have a responsibility to support a well-educated society.

The Chair: Thank you for your presentation. We very much appreciate you coming forward.

ONTARIO ALTERNATIVE BUDGET WORKING GROUP

The Chair: At this time we would call on the Ontario Alternative Budget Working Group, if you could come forward and identify yourselves for Hansard. You may begin.

Mr Ross McClellan: Thank you, Mr Chairman, members of the committee. My name is Ross McClellan. I'm legislative director of the Ontario Federation of Labour and coordinator of the Ontario Alternative Budget Working Group, which is a coalition of labour, church and community action groups that engage in an ongoing process of analysis and discussion of Ontario's budgetary policy. With me is Hugh Mackenzie, who is the research director of the United Steelworkers and the co-chair of the Ontario Alternative Budget Working Group.

We've distributed two documents. One is a technical paper that we produced in March that has an analysis of the tax cut and what it means for Ontario's debt and deficit, and the second is an op-ed piece that Mr Mackenzie wrote, which you may have seen in the *Globe and Mail* a few weeks ago.

Before I turn things over to Mr Mackenzie, let me just say that we regret very much that we're not in the finance committee, that we're in the justice committee. We hope very much that the justice committee will resume its very important task of conducting an inquiry into the death by police homicide of Dudley George. The labour movement and our constituent organizations feel very deeply about this issue, and we hope that it will get back on the public agenda as quickly as possible.

1750

Mr Hugh Mackenzie: I want to talk about a number of the elements of Bill 15, principally the income tax cut, but I also want to address several other matters that are raised by the bill.

Earlier on today I spent some time with the finance committee in Ottawa engaged in a discussion about how to allocate the fiscal dividend from the recovery of the federal government's finances. I was struck, as I was heading down here on the plane to come to this meeting, by the opportunity to provide for a reasonable and sensible restructuring of Ontario's finances that has been squandered by this government in its hell-bent effort to cut income taxes.

One of the things I want to stress at the outset is that one of the key pieces of analysis that we've done of the government's taxation policy indicates that if there had never been a Common Sense Revolution, if there had never been a Mike Harris, if there had never been an Ernie Eves, if we had simply left things the way they were and not a dime had been cut from public spending in Ontario —

Mr E.J. Douglas Rollins (Quinte): We'd be bankrupt.

The Chair: Order, please.

Mr Mackenzie: — we would be barely months away from balancing the budget in this province. The numbers speak for themselves, sir. This government has simply squandered an opportunity by pushing forward with an income tax cut at a time when the budget was in deficit. It's just a fabulously irresponsible exercise.

The consequence of proceeding with the income tax cut with the budget running in deficit is that by the time this term of office of this government ends, the debt that will

have been accumulated to pay for the income tax cut will be at \$30 billion. That is as much debt accumulated because of a government decision to proceed with an income tax cut without having balanced the budget first, without having gotten the government's finances in order — an accumulated debt roughly equivalent to the debt that was caused by the recession in the early 1990s, the most serious recession that Ontario has faced since the 1930s.

Another interesting little fact about the tax cut measure is that by fiscal year 2000-01, the interest cost that we will be paying to carry the debt incurred for the income tax cut will be \$1.8 billion a year. That works out to 3.9 cents out of every dollar that Ontarians will be paying in tax which will be paid to cover the interest only on the tax cut.

It's a common understanding now that the distribution of the benefit from the tax cut is extremely regressive, that people at the very high end of the income scale get a disproportionate share of the benefit from the tax cut. I'm not going to go into that in great detail. One thing I do want to say, though, is that there has been a lot of puffery from a number of sources alleging that the income tax cut is responsible for Ontario's positive economic performance.

I want to respond to that at two levels. One is that there isn't a credible person who does econometric analysis of the impact of public policy on employment who would ascribe anything like the kind of benefit to the tax cut that's being claimed for it.

The second point I would make, and I think this is quite telling, is that if you take as a reference point June 1995, which many people in this room might remember, and compare it with the most recent quarter for which data are available, you find a very interesting thing about the pattern of economic development in Ontario. What you find is that the growth in exports is greater in dollar terms, not just in percentage terms, than the growth in GDP during that period. What that means is that more than all of the growth that's taken place in Ontario is attributable to exports, largely to the United States and largely in the automotive sector. If somebody can show me how an income tax cut in Ontario influences the purchasing habits of somebody in Arkansas, then I've got a bridge in Brooklyn to sell you.

I wanted to make one comment about the cut in taxes for small business. Some of you may remember that at one point in my previous life I was the executive director of the Ontario Fair Tax Commission. We did an analysis at the commission of Ontario's regime for taxation of small business comparing it with the regime for taxation of small business in the United States. What we found is that even with the rate of small business taxation that existed then, which is being cut by this government, the structure of the tax system with the dividend tax credit meant that an individual would pay less tax, in total, earning their income through a small business corporation and paying themselves a dividend than they would if they were paid directly.

In other words, somebody doing exactly the same work, receiving exactly the same payment, if they earn it through

a small business corporation and then pay it to themselves as a dividend, their net tax burden is lower than if they were paid directly. That's been a phenomenon of the Canadian tax system for some time because the dividend tax credit has gotten out of whack with the structure of the personal income tax system. Ontario's reduction of the small business tax rate simply exacerbates that problem.

It's interesting that when you do tax comparisons between Canada and the United States, as a lot of people in this room like to do, one of the things you find is that the prevalence of individuals carrying on businesses through corporations rather than as partnerships or as individuals is substantially higher in Canada than it is in the United States. The explanation for that is that we have this warped tax system that provides an additional incentive for people to carry on business through corporations rather than being paid the money directly, which is a primary benefit to the accounting and legal professions because they provide the services that complete those extra forms and tax returns.

Two quick comments on other aspects of the bill. One of the things that I found very disturbing about the run of corporate tax changes that has taken place, not only in this budget but also in the previous budget, is the reintroduction into Ontario's corporate tax system of a plethora of little tax incentives here and there, little tax credits here, little tax credits there, running 180 degrees against the trend that's been established in corporate tax reform at the national level over the past few years. I think it's a regrettable development.

The last comment that I will make as I'm winding up, going from the sublime to the ridiculous, is that there is one thing in Bill 15 which I frankly just do not understand. That's the elimination of the sales tax on the 25 cents that you put in the telephone. On my way here, I tried to make a telephone call with 23.15 cents; it didn't work. It strikes me as a completely ludicrous proposal to do that, a straight out transfer to Bell telephone corporation. To suggest that has something to do with benefiting consumers is ridiculous.

1800

The Chair: Thank you very much for your presentation. Unfortunately that does not allow us any time for questions and answers. We very much appreciate you coming forward with your position.

ONTARIO HOTEL AND MOTEL ASSOCIATION

The Chair: I would call on our next presenter, the Ontario Hotel and Motel Association. If you or your group could identify yourselves for Hansard, we would greatly appreciate it. You may begin, please.

Mr Rod Seiling: My name is Rod Seiling. I want to thank you for the opportunity to appear before you today regarding Bill 15. I will try and touch very briefly on the more salient points of the budget as they relate to our members during the short time we have at our disposal.

I am president of both the Ontario Hotel and Motel Association and the Toronto Hotel Association. I can tell you without a doubt that the response from my members all across Ontario, be they big or small businesspersons, has been very positive to the budget as put forth by the Minister of Finance, the Honourable Ernie Eves. This support, I would suggest, is based on the fact that the budget specifically addresses in a positive manner inequities or needed initiatives they have perceived that have existed for them either as an individual carrying on a business in the province or in their role as a private citizen. As individuals, they all appreciate the continued cuts in the personal tax rates. That is a given. Furthermore, they are pleased with this last cut coming early as a sort of a bonus. As the majority of my members, I should point out, are small businesses, I would be remiss not to mention the favourable response also to the cut in the small business tax rate.

What pleases them most, I would say, with the personal tax cuts is not what it does for them on an individual basis, although it is appreciated, but what it represents for them collectively for their respective businesses. My members, being in the accommodation and hospitality businesses, deal in a large part with discretionary spending, and any initiative that leaves more money in the hands of their customers for them to decide where to spend it has proven to be good for business. Business for my members has and continues to be improving. They all report the reasons for this can be traced back to the fact that people in this province, who still represent the majority of their business, now have more money available to spend and in fact are now prepared to actually spend it.

This leads me into the support Mr Eves outlined in the budget for tourism marketing, \$120 million over the next four years. Our industry applauds the minister and the Minister of Economic Development, Trade and Tourism, the Honourable Al Palladini, for making this investment in tourism. Tourism is the world's largest and fastest-growing industry, a fact that governments all across this country and the world have recognized and are investing resources in to create new jobs and, as an important by-product, recoup that investment via new incremental tax revenues. Tourism is already an important industry in Ontario. It represents \$10.6 billion annually to the province's economy; \$5.2 billion in exports, making it the 4th largest; 400,000 jobs, which is 7% of total employment and a major source of jobs for young people.

Unfortunately because of the cutbacks by previous governments, Ontario has been losing market share in what is a growth market. Since 1990-91, marketing dollars for Ontario had been cut almost 60%, which works out to about \$15.2 million. The cuts left Ontario with less money than Quebec, at \$25 million; British Columbia, at \$23.5 million; or even the Atlantic provinces, with \$15.5 million. Worse still, last year for example Ontario left \$4 million to \$5 million of Canadian Tourism Commission matching dollars funding on the table because it did not have the money to participate. This money was Ontario-taxpayer-earned, earmarked for Ontario, and when not

used was then available to other provinces to promote their tourism businesses at Ontario's expense.

As attachment 1 indicates, according to the government's own research, the lost opportunities have cost Ontario thousands of jobs and millions of dollars in foregone revenues for business and tax receipts for government. The numbers are actually more, as the chart is only up to 1995. Briefly, the chart shows the losses as follows: \$2.7 billion annually in tourism receipts, almost 60,000 full-time equivalent jobs and \$382 million annually in provincial tax revenues.

The commitment to properly market Ontario is a wise investment. Ontarians will benefit with the new economic activity that will follow, not next year or the year after but right away. There is no time lag with tourism. Increase demand by increasing awareness and you automatically increase jobs. Research conducted on destination marketing by the pre-eminent firm in the business, which just happens to be based here in Toronto, Bill Siegel's Longwoods firm, indicates that for every dollar invested by government in destination marketing, that government earns a direct return of at least \$20. For those of you who have made the odd investment over the years I dare say there is not one of you who would not agree that a 20-to-1 return is something that virtually every one of you would jump at if the opportunity was there.

Our members are also very pleased with other provisions contained in the budget. Moving up the timetable on the cuts to the employer health tax is a prime example. Members are of one mind when it comes to payroll taxes: They are job killers. We hear this time and time again and we want to commend the government for accelerating this cut as well as the cut to the small business tax rate, which I mentioned earlier. Hopefully it may allow these owners to earn a return on their investment, but what we see for the most part is that the savings will be reinvested in their respective businesses so as to ensure they remain competitive.

We have also received a lot of favourable comment from the members on the government's decision to end the inequity in the funding of education for commercial and industrial property owners. Obviously they all wish that there were no phase-ins but they also recognize the fiscal restraints and therefore understand the reasoning behind the minister's plan. Even with the phase-in, the reductions flowing to property owners will be significant. For example, in Toronto, where the imbalance appears to have been the worst, and certainly the most public, we estimate a 3% reduction in property taxes for commercial property owners for the first year.

In conclusion, I want to take this opportunity to congratulate the government for listening during our pre-budget hearings presentation. We consulted with our members prior to making our presentation as to the content and it is obvious that the minister was listening during his consultations, based on what he has brought forward in his budget.

If there is any time remaining, I would be pleased to answer any questions.

The Chair: You have exactly a minute and a half per caucus. We begin with the government side.

Mr Rollins: Thanks for your presentation. I was, unfortunately, looking for a hotel this weekend and found it extremely hard to find one. I won't tell you how long I drove and how many hotels we were at. Are they suffering from that fullness quite often?

Mr Seiling: It depends on the time of the year. You need to be full more than just four months in the summer to be a successful business operation. If you would like a hotel room during December, January or February, I can get you a very good rate anywhere you want in the province.

It is getting better. It's recovering. Occupancy is getting better but we still have a long way to go in rate. We're still an excellent buy compared to other major destinations, whether it be here in Toronto or across the province vis-à-vis what you pay in other jurisdictions.

Mr Young: Just a quick comment. You said here that a lot of young people work in the travel and tourism industry. Can you comment on the kinds of people who work in the industry other than young people? There are people who are between jobs, an unemployed actor or that sort of thing, who might not be able to find any other kind of job.

Mr Seiling: We say that we're the port of entry, whether it be for young people or for those people who have been out of the workforce or out of a job looking to re-enter. Our industry spends an inordinate amount of money on training and upgrading skills so that they learn a new skill. A lot of them stay in the business. There are a lot of good jobs there, but a lot of them use our business as a stepping stone to something bigger and better for them.

Mr David Ramsay (Timiskaming): Rod, I want to thank you very much for your presentation. In the Liberal caucus we understand the importance of the tourism industry to the economy of Ontario and certainly respect the contribution that your association makes to that. Again, thank you for a well done presentation.

Mr Silipo: Mr Seiling, thanks for your presentation. I certainly continue to be as strong a believer as you that investing in the tourism industry is a good business decision on a lot of fronts.

I don't want to try to defend some of the decisions that were made in the government that I was a part of, but I do find one part of your presentation puzzling and I just want to clarify this. There are two separate points that you're making here. You talk about the reduction of funding back to 1990 and then you talk about the fact that last year there was \$4 million to \$5 million of Canadian Tourism Commission matching dollars funding that was left on the table. I just want to be clear: You're not blaming the former government for that, are you?

Mr Seiling: In fact, the cutbacks that the former government made made it so that Ontario could not participate to the full extent in the Canadian Tourism Commission programs. That's correct.

Mr Silipo: Presumably if this government thought differently, they could have made a change to that. What I'm getting at is, criticize us for decisions we made back then,

but how can you hold us accountable for decisions this government made or didn't make last year?

Mr Seiling: You can only participate to a certain degree in CTC programs if you have the funding available. If you're trying to say that the government of the day could have added more money to the budget, you're correct; in fact, they did add some. They added \$2.5 million during the year to the domestic marketing program. In fact, it was one of the business cases we made in our pre-budget submissions and I think you were here for that. Calls to the 1-800 number jumped 40% during that time period.

I'm not here to ascribe any blame at this point in time. What's done is done. But during that time period I referenced in my presentation, the budget for tourism was slashed dramatically, and during that time period, tourism receipts did fall dramatically.

1810

Mr Silipo: Mr Seiling, I'm not —

The Chair: I'm sorry, we're past the one minute. Thank you very much for your presentation. We appreciate you taking the time and being here today.

URBAN DEVELOPMENT INSTITUTE

The Chair: The next organization we would call forward is the Urban Development Institute. You may begin.

Mr Stephen Kaiser: Mr Chair, members of the committee, ladies and gentlemen, good afternoon, or almost evening. My name is Stephen Kaiser and I am president of the Urban Development Institute. With me today is John Latimer, president of Monarch Development Corp, a member company of our organization.

We would like to thank you for the opportunity to speak briefly today regarding Bill 15, An Act to cut taxes for people and for small business and to implement other measures contained in the 1998 Budget. I would also like to thank you for extending this afternoon's session to allow us to have the full 10 minutes.

Most of you are familiar with the role of the Urban Development Institute; however, for those who may not be, our organization has acted as the voice of the real estate development, building and property management industry for the past 40 years.

The institute is a non-profit organization supported by its members, which include firms and individuals who own sizeable holdings of development land, apartment units and business space. Our membership is engaged in all aspects of the planning and development of communities and the construction of residential, industrial and commercial projects.

We are here today to deliver one message to the committee and I hope by the end of our presentation you will clearly understand why we are endorsing the principle adopted in the 1998 Ontario budget that tax cuts do create jobs and economic growth. Specifically, our comments are focused on the success of this government's first-time home buyer land transfer tax rebate program and how this initiative clearly demonstrates this model.

Included in our presentation is a copy of a position paper we delivered to this government in the spring of 1996. The paper highlighted the state of the residential construction industry in Ontario, with housing starts reaching only 35,818 in 1995 compared with a little over 105,000 in 1987 and just about 63,000 in 1990. At the same time, new starter housing faced a huge burden in terms of taxes, fees and charges paid to three levels of government. As you will see from the charts we have included in the presentation, even today across the greater Toronto area a large portion of the purchase price of a starter home is directly attributed to taxes, fees and charges. For example, a town house in the region of Halton with a purchase price of \$150,000 has included in that cost a total of \$32,271, or 22% of the total cost directly related to these fees.

With these factors combined, we proposed in 1996 a first-time home buyer land transfer tax rebate program. Our proposal indicated that such a program would in fact create new jobs through additional housing starts through both direct and indirect employment related to residential construction; that it would allow many young families the opportunity to purchase a home and would help to create further consumer confidence within the sector; and that the initiative would prove to be a revenue generator for the province through additional taxes created by economic activity.

Since the program began in May 1996, a staggering 26,000 people, many of them young families, have taken advantage of the program and purchased their first home. Provincially, housing starts have climbed from 35,818 in 1995 to a little over 54,000 in 1997, and even higher levels are predicted this year. Close to one third of the homes purchased since May 1996 in Ontario have been purchased by people using the program.

Clearly this tax cut, the first-time home buyer land transfer tax rebate, has had a very positive impact directly related to the recovery of the home-building industry in Ontario. A recovery of this sector is clear evidence that tax cuts do create jobs and economic growth.

I now would like to turn our presentation over to John Latimer to provide you with his own perspective.

Mr John Latimer: Monarch Development Corp is an integrated public real estate company based right here in Toronto. We were founded in 1917, and we've been in the land development and house-building business for more than 81 years.

Just to follow up on Stephen's comments, if I can just show you some tangible evidence as to how the land transfer tax rebate increased our revenues from 1994 until the end of 1997, in each of 1994 and 1995 our real estate revenues were approximately \$128 million. In 1996, when the land transfer tax rebate was begun, our revenues climbed to \$140 million, and last year, as the rebate was extended, they climbed to a total of \$189 million.

I believe this \$61-million growth is primarily attributable to the tax strategy this province has instituted. It certainly has given purchasers the incentive to buy new homes, and with that, provides further economic growth in

the way of many, many other purchases required to set up a new home, things we all are aware of: appliances, carpeting, paint, lighting, garden hoses and the dreaded lawnmower, I guess. As well, it has certainly provided employment for those men and women who are in the construction business.

As builders and developers in several US states, we often compare corporate and personal tax rates as part of our decision for future investment. Several of the states we work in have no state income tax, which certainly is an attraction for people to live and work in those states. I understand the difference between American and Canadian tax structures, but I do think that lower tax regimes always have an attraction for not only personal investment, but corporate investment as well. To give you an example, from 1992-96, our company invested \$95 million in the US. Over that same period, we invested \$35 million here in Canada. Already this year, we have invested \$50 million and we're on the way to \$100 million. That's just in this year alone. So not only is the new home purchaser more confident investing in this province, but we as a corporation are as well.

If I could just add a little global perspective to all of this, our major shareholder, Taylor Woodrow, which is based in London, England, has six principal markets in which it operates: first, in the United Kingdom, where the tax rate is just slightly above 30%; in Malaysia, where it is about 28%; in Australia, where it is 36%; in California and Florida, where it is 39% and 37% respectively; but here in Canada tax rates are 44½%. In order to be competitive within this global economy, but more than that to be fair to each of our citizens, we should always be reviewing taxes within this country with a downward bias when we can afford it. It is for this reason that I am here to support Bill 15, An Act to cut taxes for people and for small business.

The Chair: Thank you very much for your presentation. That allows us just enough time for one question or comment, and that's from the third party.

Mr Silipo: Gentlemen, if time allowed, I'd go into a little bit more detail. I take issue with a couple of your conclusions, but I'll just have time to be able to get into one of them, and that is using the land transfer tax program as an example to say that all tax cuts therefore create jobs.

I would agree very much with your statistics that that has been a very good incentive for people to buy homes, and I think it's something that is very worthwhile, but we certainly heard from many economists that if you look at the larger issue of tax cuts in terms of the income tax cuts, even those who say they have provided a positive contribution to creating jobs would rank that very low in a list of four or five other items that they would say are far greater contributors to creating jobs. I just wanted to make that point. If you have any reaction or comment to that, I'd be happy to hear it.

The Chair: You've got 10 seconds.

Mr Latimer: That's why I provided the examples of our company and how our revenues have grown. They correspond with the tax cut.

The Chair: Thank you very much for your presentation. We very much appreciate your being here this evening.

1820

CANADIAN FILM AND TELEVISION PRODUCTION ASSOCIATION

The Chair: We have one last presenter, the Canadian Film and Television Production Association, if you could come forward. We very much appreciate your being here.

Mr Larry Malloy: My name is Larry Malloy. I'm pleased to be here with you today to deliver a statement prepared for your committee by the Canadian Film and Television Production Association, the CFTPA.

At the outset, I must apologize that I am the one reading this statement today. In a case of unfortunate timing, the chairperson of the CFTPA, Linda Schuyler, and her national executive are involved in their annual meeting in Banff, Alberta, which began Saturday and runs right through the week.

The Canadian Film and Television Production Association is the national trade organization that represents the interests of over 300 independent film and television producers that operate in every region of the country. The CFTPA felt it should make a statement before your committee today because Ontario remains the most significant region in the country both in terms of volume of film and television production and job creation in the industry. As you can appreciate, the CFTPA membership coming from Ontario is of course very important, and the association has worked hard to address issues of particular interest to them.

Over the past few years, the CFTPA has been very pleased with the positive relationship which they have been able to build and develop with the government of Ontario. During this period, the government has expressed a real interest in the economic and cultural value of maintaining a viable film and television production industry in Ontario.

In February 1996, the CFTPA's Ontario producers' panel recommended that the government establish a refundable tax credit for the Ontario production industry. At that time, the association underlined the fact that the cancelled Ontario film investment program, OFIP, had been quite effective in maintaining a viable industry here and needed to be replaced in some way. However, the industry acknowledged the fact that Ontario's fiscal conditions had created a situation where it would have to be flexible and work with the government to identify new approaches to encourage Ontario-based production companies to not only continue to do business in this province, but to expand their investments here.

On May 7, 1996, the government of Ontario responded positively to this proposal and announced the establish-

ment of the Ontario film and television tax credit, the OFTTC. Subsequently, in its second budget, on May 8, 1997, the government announced plans to increase the rate of the OFTTC by 5% along with special initiatives targeted at the animation sector of our industry.

In making its proposals, the CFTPA had suggested that establishing a refundable tax credit regime would have a number of positive benefits for both the province and the industry. This has proven to be true.

In 1996, the year the full impact of the cancellation of the OFIP program was felt, the volume of domestic production fell to \$277 million from somewhere in the \$350-million range. The raw numbers for 1997, the first year in which the OFTTC program has been operating, indicate that the volume of Ontario domestic production activity has increased significantly, to \$414 million. You can see some of this activity, of course, on the street outside Queen's Park today.

In the May 1998 budget the government continued to support the film production industry by eliminating the corporate and project caps which had existed under the OFTTC program. This action, which is a very positive initiative, particularly to the larger production companies, is certainly welcomed by the membership of the CFTPA. In addition, the CFTPA wants to go on record in support of the new tax credit for animation, which will offer a major boost to Ontario's growing high-tech animation industry. Once again these initiatives will result in additional investment and sustainable job creation in Ontario. The CFTPA fully supports their inclusion in this bill.

Ontario's ongoing support for the film and television production industry has ensured that the industry will be able to continue to make an outstanding contribution to the overall economic growth of this province. Based on the amount of production activity which occurred last year in Ontario, as well as the work already planned and completed during the 1998 production year, it is clear that CFTPA's Ontario members have welcomed this program and subsequent changes most enthusiastically. The CFTPA members believe that the introduction and subsequent enrichment of this program is sound public policy for Ontario in both economic and cultural terms. This policy has absolutely ensured that the production infrastructure in our province will continue to expand.

It should further be noted that the program is not only of benefit to the larger, publicly traded production companies like Atlantis and Alliance, but guarantees that our small and medium-sized production companies are able to grow in Ontario as well.

Beyond coming here to thank the government and the Legislature for continuing its support of the industry, the association wants to take this opportunity to highlight a few other points raised in the CFTPA's pre-budget presentation in February of this year.

In November 1997, when the Ontario government announced its plans to create the Ontario film and television production services tax credit, the goal of this program was stated quite clearly: "To enhance Ontario's

competitive advantage in film and television production," by attracting foreign producers into the province.

The CFTPA understands the attraction of fostering foreign investment in the industry. At the same time, however, the local industry wants to be reassured that the primary focus of any Ontario government programs or policies targeted at this sector are for businesses committed to staying in Ontario. The collective goal of the government and industry must be to foster the growth of the indigenous industry. This is the only sensible industrial strategy and the smartest long-term job creation strategy. It is hoped that the government will encourage the commitment of companies like Atlantis and Alliance that have long-term objectives in Ontario that reach beyond the immediate attraction of access to a cheap labour pool because of the present fluctuations of the Canadian dollar.

In the same pre-budget presentation to the Legislature in February 1998, it was suggested that the province consider removing the 48% cap which had been placed on qualifying labour expenditures for the domestic film and television tax credit. The CFTPA suggestion was to replace the cap with one simple calculation, a percentage of Ontario eligible labour, which would create a level playing field for Ontario companies operating alongside the foreign companies developing projects here. It would also make Ontario more competitive with other provinces, such as British Columbia and Quebec, which have also established very attractive tax credit programs to encourage production companies to film in those provinces.

The third point is the issue of Canadian content as it applies to the tax credit.

When Ontario first established the OFTTC, access to the program was limited to those productions which have the highest levels of Canadian content as measured by the federal government's 10-point program. Technically speaking, these are productions that receive a minimum of eight of 10 Canadian content points as certified by the Canadian Audio and Visual Certification Office, CAVCO.

At the time this approach made sense, but with the recent establishment of the Ontario production services tax credit for foreign productions, plus the aggressive nature of some of the tax credit programs since established in other provinces, this limitation has created orphans in terms of Ontario-based productions.

By extending the program to these types of productions, it would guarantee that the OFTTC would maximize the opportunities for production activity created and controlled by Ontario-based companies.

On that basis, the CFTPA would recommend the Ontario government expand the criteria for eligible productions for the Ontario refundable tax credit program for the domestic film and television industry, to permit access by those CAVCO certified Ontario productions that achieve a minimum of six of 10 Canadian content points. The CFTPA hopes the government will also consider accepting this recommendation put forward by the industry. By doing so, the government will enhance an already existing and very successful program for the domestic film and television industry, one that is clearly working. This

change will bring some balance to the incentives previously put in place to benefit foreign interests operating in the province.

In summary, when the CFTPA first appeared before a legislative committee in 1996, they underlined the fact that stimulating activity in an Ontario-based film and television industry would provide a net benefit to this province in terms of both real investment and sustainable job creation.

The CFTPA spoke to you about working as partners to create an environment that would allow the Ontario member companies to stimulate economic activity and investment. This investment would clearly create an atmosphere of innovation leading to an expanding offshore market for Ontario-produced products and, again, a strong, sustainable job market here. The CFTPA believes that the partnership between the industry and Ontario has worked out positively for everyone, including the taxpayer, and will work to continue to improve that partnership relationship.

One other specific area in which the CFTPA feels it can expand this partnership with Ontario is in the much-needed simplification and reduction of the administrative burden that is presently encumbering the federal refundable tax credit program.

These views have been brought to the ministries of Citizenship, Culture and Recreation and Finance recently. The CFTPA believe that there is a real opportunity for Ontario to again take the lead in this type of initiative as it has done over the past few years.

Thank you for allowing me the time to address the committee on behalf of the Canadian Film and Television Production Association today. I extend my regrets on behalf of the executive who, because of their annual meeting, cannot be here to respond to any specific questions you might have. Should it be the pleasure of the Chair and the committee, the executive members would be pleased to meet with you at a future date to respond directly to any questions you might have, and hopefully provide you with some updated statistics on the positive effect the OFTTC program and its ongoing changes are having on the province's economy.

The Chair: Thank you very much for your presentation. That allows us one quick comment from a government member.

Mr Young: I understand that Ontario, particularly southern Ontario but Ontario as a whole, is now number three in North America for filming, production, of TV and movies and that when a film crew comes into a community it's like bringing a whole village. You have actors and performers and dancers. In some cases you have makeup artists; you have costumes and electricians and carpenters. What you're really bringing in is a community within a community that comes in and invests a lot in the community. Maybe you can just give me your thoughts on that and the employment picture when you have a production.

Mr Malloy: In fact the employment picture here is now so strong that there is real competition between companies for the existing talent pool out there. It's not only actors, but certainly the people you talked about. The

technicians, the carpenters and so on are very much in demand. Right now, it's a very heavy market.

The Chair: That concludes today. Personally, I'd like to thank the committee members as well as the presenters

and the staff for the commitment expressed today. This committee sits recessed until 0900 June 11 in committee room 1.

The committee adjourned at 1831.

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Mr Terence H. Young (Halton Centre / -Centre PC)

Also taking part / Autres participants et participantes

Mr John O'Toole (Durham East / -Est PC)

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Mr Douglas Arnott

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Mr Avrum Fenson, research officer, Legislative Research Service

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Jeudi 11 juin 1998

**Standing committee on
administration of justice**

Tax Cuts for People and for
Small Business Act, 1998

**Comité permanent de
l'administration de la justice**

Loi de 1998 sur la réduction
des impôts des particuliers
et des petites entreprises



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
ADMINISTRATION OF JUSTICE

Thursday 11 June 1998

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE
L'ADMINISTRATION DE LA JUSTICE

Jeudi 11 juin 1998

*The committee met at 0909 in committee room 1.*TAX CUTS FOR PEOPLE AND FOR
SMALL BUSINESS ACT, 1998LOI DE 1998 SUR LA RÉDUCTION
DES IMPÔTS DES PARTICULIERS
ET DES PETITES ENTREPRISES

Consideration of Bill 15, An Act to cut taxes for people and for small business and to implement other measures contained in the 1998 Budget / Projet de loi 15, Loi visant à réduire les impôts des particuliers et des petites entreprises et à mettre en œuvre d'autres mesures contenues dans le budget de 1998.

The Chair (Mr Jerry J. Ouellette): I call this committee to order. I thank everybody for making it out this morning. We're here for consideration of clause-by-clause on Bill 15. Are there any comments, questions or amendments to any sections of the bill, and if so, which sections? As noted, I see section 37 and the title of the bill have amendments put forward.

Mr Bruce Crozier (Essex South): On a point of order, Chair: Did you want me to bring that up?

The Chair: No, that's okay. I just took care of that. We'll proceed.

On section 1 through and including section 36 of the bill, are there any comments, questions? Seeing none — yes, Mr Silipo?

Mr Tony Silipo (Dovercourt): Chair, just briefly, because I don't want to belabour this, obviously these are the sections that contain, among other things, the last phase of the 30% income tax cut, something that certainly we, the New Democratic Party, have continued to object to and believe that is at the heart of all of the cuts that we are seeing in our health care services and in our education services. I will continue to express that opposition and vote against these sections.

I just wanted to be clear in terms of how far you're going with the actual first vote, because the Corporations Tax Act, part II, is that covered in the first — if I could ask if we could have a vote separately on that part of it.

The Chair: You're asking the Ontario Lottery Corporation Act to be voted on separately?

Mr Silipo: That as well. I think the Corporations Tax Act is where the cuts to the small businesses are.

The Chair: You're asking for section 6 to be voted on as well as section 34?

Mr Silipo: I'm looking back at the table of contents and I think it's part II, basically.

The Chair: Okay. Shall sections 1 through 5 carry? Carried.

I now move to section 6 of the bill. Are there any comments, questions or amendments to section 6? Shall section 6 of the bill carry? Carried.

Shall section 7 of the bill carry? Carried.

Shall section 8 of the bill carry? Carried.

Shall section 9 of the bill carry? Carried.

I believe we may be able to speed it up. Are there any sections that we're looking for specific votes on?

Mr Silipo: Chair, sorry to have caused the confusion. Maybe I should have done it this way. I just wanted to indicate that I personally and certainly our caucus is in support of the reduction to the small business tax and I just wanted to put that on the record, notwithstanding what I said earlier with respect to the overall huge income tax cut. Certainly we support the changes in the bill. We wish that some pieces had been done a little bit differently, but we do support the changes to the Ontario Lottery Corporation Act. Maybe I'll just put that on the record and then let the votes go as they've been going.

The Chair: Shall section 10 up to and including section 36 of the bill carry? Carried.

Section 37: Comments, questions, amendments?

Mr Crozier: Do you want to go through those by subsection or shall we just bring up those that we —

The Chair: In the order of the numbering. I believe in the top right corner you'll see the numbering. That should assist. We can go through.

Mr Crozier: With regard to section 37 of the bill, subsection 8.3(2) of the Ontario Lottery Corporation Act, I move that subsection 8.3(2) —

Mr Terence H. Young (Halton Centre): On a point of order, Mr Chair: Mr Crozier is not reading the amendment as tabled.

Mr Crozier: I'll ask the indulgence of the committee. I checked with the Chair to begin with, and I thought he said he had taken care of that. When this was drafted, you're correct, it said, "Municipal Act." It is the Ontario Lottery Corporation Act, although the amendment refers to the appropriate section of the bill, and I would ask the committee's indulgence, that this doesn't at all change the intent of our motion.

The Chair: Are you asking for unanimous consent, Mr Crozier?

Mr Crozier: I suspect that's what I have to have.

Mr Young: Am I to understand you're saying this is a drafting error that is says "Municipal Act" instead of "Ontario Lottery Corporation Act"?

Mr Crozier: Absolutely. The rest of the amendments refer to the Ontario Lottery Corporation Act, and this one didn't.

The Chair: Is there unanimous consent to allow that change? Agreed.

Mr Crozier: Thank you.

I move that subsection 8.3(2) of the Ontario Lottery Corporation Act, as set out in subsection 37 of the bill, be struck out and the following substituted:

"Required payments

"(2) An agreement referred to in subparagraph 3 ii of subsection (1) shall provide that, in each fiscal year of Ontario, the corporation shall use all of the net revenue it receives during the year from the table gaming activities described in subsection (4) to make payments described in subparagraph 3 ii of subsection (1)."

In the way of comments, I refer to an April 9 news release from the Management Board Secretariat in which in one paragraph Minister Hodgson said that under the new model "charities will now receive 100% of the net revenue from table games at these charity casinos." I believe the bill infers that only 50% of the net revenue from charity gaming tables needs go to charities. We have submitted this so the minister will be able to keep a promise made.

Mr Young: We won't be supporting the amendment. The amendment, as tabled, changes the entire direction of the government's policy as outlined in the budget regarding distribution of table gaming revenues. Actually, as written, it would have the effect of preventing some very worthwhile not-for-profit organizations from accessing funds from the program.

My own riding and, I think, every riding, every community, has social service agencies and other worthwhile non-profit organizations that will benefit from the revenues. I think of the Halton Women's Information and Support Centre, the Halton Rape Crisis Centre, Halton Women's Place, Big Brothers, Big Sisters, Oakville Galleries, Oakville Museums, those kinds of organizations. That's the intent in the budget, that they be able to benefit from those revenues. That's why we won't be supporting the amendment.

Mr Crozier: Just so we can clarify, then, where in the bill it says that merely 50% of the profits from gaming tables, "one half of the net revenue it receives during the year from the table gaming activities" — just to make it clear, what Minister Hodgson said on April 8 in a press release, that "charities will now receive 100% of the net revenue from gaming tables at these charity casinos," that statement then is not correct?

Mr Young: I have nothing to add.

The Chair: Further discussion?

Mr Peter L. Preston (Brant-Haldimand): Just one comment. The actual term "charities" is considered registered charities. Haldimand-Norfolk Reach is not a registered charity, but would benefit from the funds. So when the minister says that 100% will go to charities, that was indeed not technically correct, but the balance of it can include things like Haldimand-Norfolk Reach and places that are non-profit but not registered charities.

0920

Mr Crozier: I'm sure the minister would be pleased to hear that.

The Chair: Seeing no further discussion, I shall put the question.

Shall Liberal motion 1 amending subsection 8.3 of section 37 carry?

Mr Crozier: Recorded vote.

Ayes

Crozier, Silipo.

Nays

Boushy, Rollins, Stewart, Wood, Young.

The Chair: I declare the motion defeated. Next?

Mr Crozier: I move that section 37 of the bill be amended by adding the following section to the Ontario Lottery Corporation Act:

"Municipal approval, casinos

"8.4 No person shall establish or operate a casino in a municipality unless the casino is approved by the council of the municipality."

Here again, I refer to the April 9, 1998, news release from the Management Board Secretariat, in which the comment is made, "A new model for charity casinos that scraps video lottery terminals means no charity casinos in neighbourhoods," and the minister, in quotation marks, has said:

"It will be up to municipalities to choose if they wish to host a charity casino. 'The province has stated repeatedly that no municipality will be obliged to host a charity casino,' said Hodgson. 'No means no.'"

We are just suggesting that this should be part of the legislation.

Mr Bob Wood (London South): I simply want to say I actually support the principle of putting the government's policy in this area into the statute. I don't think this amendment was properly drafted. I think it should be drafted as a condition precedent to a successful bidder commencing operations. I'm not going to support this amendment, but I think the principle has much merit.

Mr Young: I'd like to add as well, the minister has said repeatedly that no means no. That is government policy; that will be government policy. It doesn't preclude some better-worded section being included in some future statute or a private member's bill. I would likely support a

private member's bill myself that was well worded in the same spirit.

The amendment is in the spirit of government policy, but there are problems with the wording. It's unclear whether the words "to operate" would refer to the existing casinos at Windsor, Rama and Niagara. There's no definition of "persons" or "casino" or the actual term "to operate." We can't support the motion for those reasons.

Mr Silipo: I just wanted to ask Mr Wood particularly if he would — although hearing Mr Young's comments, that may be the answer — explain further what he means by his comment when he says that what he would prefer to see is something that would be set up as a condition precedent to the whole process —

Mr Bob Wood: To commencing doing business.

Mr Silipo: So what would have to be done in terms of an amendment that you would be happy with? If this has the spirit of that — it seems to me that it says very clearly what you were saying you support, so I just want to be clear what it is that you object to.

Mr Bob Wood: Because of the way the statute is generally set up, it should be done as a condition precedent to commencing doing business. I think that's the cleanest way, in a drafting sense, of doing it. Were the amendment framed that way, I'd support it.

Mr Silipo: I'm still not clear on what —

Mr Bob Wood: There are significant drafting problems which both Mr Young and I have referred to. I think those points are well taken. A different amendment would certainly attract my support.

Mr Silipo: Chair, we do have the ability as a committee, by agreement, to actually make changes, so if it's the kind of thing that could be done, I think it might be worth pursuing, but I don't know if there's interest on the government side to do that.

The Chair: Further discussion? Seeing none, I'll put the question. Shall Liberal motion number 2 carry? All those in favour of Liberal motion 2? All those opposed? I declare the motion defeated.

Liberal motion 3.

Mr Crozier: I move that section 37 of the bill be amended by adding the following section to the Ontario Lottery Corporation Act:

"Municipal approval, charity casinos

"8.5 No person shall establish or operate a charity casino in a municipality unless the charity casino is approved by the council of the municipality."

The Chair: Further discussion, Mr Crozier?

Mr Crozier: No, it would be the same as the previous motion.

Mr Bob Wood: I just want to add that my comments are the same on motions 3 and 4 as they are on motion 2.

Mr Young: I want to reiterate that this motion is also in the spirit of government policy, and were it drafted better, I believe we could support it. In addition, in this particular motion there's no legal definition of a charitable casino, because there are none up and operating at this time. It's a further ambiguity, so we will not support it.

Mr Crozier: I'm interested in the point that there are none up and operating at this time, but I suspect, and I'll be willing to review other legislation, that there is a legal definition of charitable casinos. If there isn't, there should have been in some legislation that has been passed previously.

The Chair: Further discussion? Seeing none, I shall put the question. Shall Liberal motion 3 carry? All those in favour? All those opposed? I declare the motion defeated.

Liberal motion 4.

Mr Crozier: I move that section 37 of the bill be amended by adding the following section to the Ontario Lottery Corporation Act:

"Municipal approval, slot machines

"8.6 No person shall install slot machine or make one available for use in a location in a municipality unless the person has the approval of the council of the municipality."

I think the amendment is clear, in that slot machines, really not being any different from video slot machines, should require the approval of the municipality at any time they are intended to be placed there. This again is in keeping, I believe, with what the government has stated on many occasions.

Mr E.J. Douglas Rollins (Quinte): This would probably hinder somewhat the direction of racetracks. Municipalities, under the racetrack, have approved these, so that's why I would not support it.

Mr Young: It's unclear from the way the motion is worded whether it refers to one slot machine or more than one slot machine. Also, it's unclear how it would relate to the three existing casinos. We will not be supporting the motion.

Mr Crozier: I simply can't resist this, because he puts it forward as an argument, but one slot machine would cover 100 slot machines. One is one; if you can't have one, you can't have 100. At least let's be realistic about the arguments we put forward.

Mr Bob Wood: I think there's a good idea in principle here, and I would invite all those who are interested in incorporating this in the statute to work with others who agree with them and come up with wording that is going to achieve consensus. I think there's much support for the idea of putting this in the statute.

Mr R. Gary Stewart (Peterborough): I'd have to agree with what Mr Wood said. With the fact that there are some 20,000 illegal machines in the province now that are not being controlled, certainly it has some merit. But you're right; it's too open-ended at the moment.

Mr Young: I'd say to Mr Crozier that I could support a well-drafted private member's bill in the same spirit as this.

Mr Crozier: Thank you. I appreciate the comment.

0930

The Chair: Further discussion? Seeing none, I shall put the question. Shall Liberal motion 4 carry? All those in favour? All those opposed? I declare the motion defeated.

Liberal motion 5.

Mr Crozier: I move that section 37 of the bill be amended by adding the following section to the Ontario Lottery Corporation Act:

"Establishment and operation of casinos:

"8.7 No person shall establish or begin to operate a casino in Ontario until,

"(a) a public inquiry is held into the process used by the government of Ontario for awarding a contract to operate the casino in Niagara Falls;

"(b) the inquiry is completed; and

"(c) a report setting out the conclusions and recommendations of the persons conducting the inquiry has been issued."

I think that's self-explanatory.

Mr Young: With regard to the request for a public inquiry, I believe the government has been responding appropriately in the House to questions regarding the Niagara Falls/Gateway selection process. The minister requested a report from the Ontario Casino Corp's legal counsel to determine whether a conflict existed and tabled that report in the House yesterday.

The report confirmed that no conflict of interest occurred in the selection process. The report concludes that the allegations set out in the Toronto Star and referred to in the Davies, Ward and Beck report are incorrect and that Mr French and Coopers and Lybrand complied with the terms of the contract and with the requirements with respect to conflict of interest.

As well, I have concerns about the appropriateness of enshrining a public inquiry process into legislation, so we will not be supporting the motion.

Mr Silipo: Under normal circumstances, an amendment of this nature would not be required and would not be part of legislation, but given the attitude the government has taken on this issue, it's actually a very necessary amendment, and I'm going to support it.

The explanation that Mr Young has just given just doesn't cut it. You can't substitute the need for a public inquiry, an independent individual or person looking at what's been going on here with respect to the awarding of the casino in Niagara Falls, with the lawyers for the Ontario Casino Corp justifying or explaining their decision. That's not a public inquiry. It's not even an inquiry, public or otherwise. It's certainly not an independent review of what has happened. That's what the point has been behind our calls for a public inquiry. If the government isn't prepared to listen, then it does warrant no further expansion of casinos until that process takes place. Obviously, it's not normally the kind of thing you would put into legislation; I agree with Mr Young on that. But in light of the government's continued refusal, I think this is a good amendment.

The Chair: Further discussion? Seeing none, I shall put the question. Shall the motion carry? All those in favour? All those opposed? I declare the motion defeated.

Liberal motion 6.

Mr Crozier: We'll keep trying.

I move that section 37 of the bill be amended by adding the following section to the Ontario Lottery Corporation Act:

"Casino operation

"8.8 No person shall enter into a contract to operate a casino in Ontario until,

"(a) a public inquiry is held into the process used by the government of Ontario for awarding a contract to operate the casino in Niagara Falls;

"(b) the inquiry is completed; and

"(c) a report setting out the conclusions and recommendations of the persons conducting the inquiry has been issued."

Mr Young: We will not be supporting the motion, for the reasons given with regard to Liberal motion 5. In addition, it is unclear in this motion how it would affect existing casinos, so we will not be supporting it.

The Chair: Any further discussion? Seeing none, shall Liberal motion 6 carry? All those in favour? Opposed? I declare the motion defeated.

Liberal motion 7.

Mr Crozier: I move that section 37 of the bill be amended by adding the following section to the Ontario Lottery Corporation Act:

"Slot machines

"8.9 No person shall install a slot machine in Ontario until,

"(a) a public inquiry is held into the process used by the government of Ontario for awarding a contract to operate the casino in Niagara Falls;

"(b) the inquiry is completed; and

"(c) a report setting out the conclusions and recommendations of the persons conducting the inquiry has been issued."

Mr Young: We will not be supporting the motion for the reasons given in Liberal motions 4 and 5.

The Chair: Any further discussion? Seeing none, I'll put the question. Shall Liberal motion 7 carry? All those in favour? Opposed? I declare the motion defeated.

Any further discussion or comments on section 37 of the bill? Seeing none, shall section 37 of the bill carry? Section 37 carries.

Are there any comments, questions or amendments on sections 38 through 51?

Mr Silipo: I want to ask a question about section 45, the part that deals with the local telephone service, the 25-cent call being exempted from retail sales tax. I wonder if the parliamentary assistant could tell us what the government will be doing to ensure that the money that Bell Canada will no longer have to pay in sales tax is going to be passed on to consumers.

Mr Young: I believe the rationale behind this is that the paperwork and red tape etc involved in collecting the tax was somewhat onerous, so it fits within the spirit of red tape reductions. But Bell Canada, as you know, is one of the few companies that pays a gross receipts tax, which is a tax unique to telephone companies. I can't remember the exact amount they pay annually, but it's a huge amount of revenue paid to the province.

Interjection.

Mr Young: Bell pays about \$200 million a year in gross receipts tax.

The Chair: Prior to moving into further discussion, I'd like to move sections 38 to 44, inclusive.

Shall sections 38 through 44, inclusive, carry? Carried. We'll move back to section 45.

Mr Crozier: I have a few additional comments. Certainly \$200 million is a significant amount of tax, although in the end that's reflected, I'm sure, in the rates we pay; in other words, it ensures Bell and its shareholders of a reasonable return on their investment.

To pick up on the comment of Mr Silipo, changing this really is doing nothing but putting the amount of the retail sales tax into the cash register of Bell Canada. If this was really an attempt to save the cost to citizens of Ontario who use pay telephones, I could support it. But, to me, there's no other way to explain it to the constituents in my riding, that this money will go into the cash register of Bell Canada.

0940

As far as red tape is concerned, when it comes to provincial sales tax, any business in the province of Ontario that has to collect and remit retail sales tax would have some sort of system in which to record that and remit it. This is nothing new. It's been going on for years for small business and large. I was in the retail business for 22 years, and the method of recording and accounting for and remitting retail sales tax was as automatic every month as you could make it. There wasn't a stitch of red tape involved in it, because it was just like prudently recording any other part of the financial operations of the business. A company like Bell Canada would be sophisticated enough that they literally push a button, I suggest, and the remittances are calculated, accounted for and made.

This does absolutely nothing to save the consumer a cent, and I don't think we should disguise it as that. We should simply be up front and say that that's the end result.

Mr Young: The tax on local telephone cards and the 75-cent service charge for local calls is billed to the customer's telephone number. As you know, in the telecommunications industry we're moving towards electronic equipment and calling cards etc. The tax is collectible there. This is removing it off the local service charge paid at coin telephones only. It's in the spirit of moving towards higher technology, where these transactions can be recorded when you buy a prepaid card. For instance, every transaction is recorded and the tax can be paid. We're just moving into high-tech times.

I want to correct the record. I said \$200 million was paid by Bell Canada. The gross receipts tax paid by telecommunications companies in exchange for them using public property for telephone poles and that sort of thing and underground facilities — \$180 million of that is paid by Bell Canada. They pay it in lieu of GST and other taxes. They are GST-exempt from the federal government, and they will now be exempt from this charge on coin telephones only.

Mr Silipo: Just to be clear on this, do we have a number in terms of what amount of the tax Bell is now paying relates to these 25-cent calls? Is that the amount Mr Young was talking about before?

Mr Young: It's about two cents on a 25-cent phone call.

Mr Silipo: That has been my understanding, so my point still remains: That is an amount that Bell has been remitting and will be remitting until this legislation is passed but then will no longer have to remit to the Ontario government. My question still remains. They have been collecting it on the basis of the law requiring that they collect it and then pay it to the government. If they no longer have to pay it, and that has been the rationale for the cost of the call being 25 cents — I'm presuming Bell is not going to go to a 23-cent phone call. What is the government going to do to ensure that that money is somehow passed on to consumers, in whatever other ways Bell could legitimately and properly do? I didn't hear an answer to that question from the parliamentary assistant. If the answer is that the government's not going to do anything, that's fine, but I just want to be clear. I don't want to put words into anybody's mouth on this one.

Mr Young: What might be helpful at this point is if I can refer Mr Silipo to ministry staff to get a better technical answer.

Mr Bob Laramy: I'm Bob Laramy, Ministry of Finance. As Mr Young pointed out, the issue here is that the cost of collecting the amount of money on the 25-cent call is rather significant. As a matter of fact, all we're doing in Ontario is what other jurisdictions in Canada do. They don't levy the retail sales tax on the 25-cent call because of the practicality. It doesn't represent an awful lot of the overall, as Mr Young pointed out. More and more use of the calling cards is happening, and that's where the retail sales tax is still being levied. So the whole idea here is to simplify the process and essentially adopt what other jurisdictions are doing.

The Chair: Further discussion?

Mr Crozier: The ministry has just said that the collecting of the tax costs a lot of money. I don't know whether you can tell us how much that costs. What does it cost Bell to collect and remit it?

Mr Laramy: Keeping the records, I can't divulge that type of information as it is confidential to this particular taxpayer. What we can point out is that the amount of money collected on those calls is not significant in relation to the cost of trying to collect it. As I pointed out, we in Ontario are the only jurisdiction that has continued to do that, whereas other jurisdictions have recognized that already and have stopped doing it. So it really is in line with and consistent with the idea of trying to simplify and trying to save on administration, again recognizing that the whole marketplace is moving towards a calling card approach and that is where the retail sales tax is still levied.

Mr Crozier: Chair, the ministry official has made the statement that it costs a significant amount of money relative to the tax collected. I'd feel some comfort, even if

he couldn't divulge that confidential information, if the Ministry of Finance was at least aware of how much it costs in using the rationale they're using to reduce this tax. Are you even aware of what it costs? You don't have to tell me, if you can't.

Mr Laramy: Again, I'm not really sure where we're going with this. The point of the matter is that —

Mr Crozier: Where we're going is, you made the statement that it costs a lot of money to collect and remit it. I am just trying to get some comfort from the fact that you know how much that costs.

Mr Laramy: Trying to keep track of the retail sales tax levied on a 25-cent call based on the amount of money collected is just not a practical approach. That is the whole genesis of why other jurisdictions have done it already and that is why Ontario is doing it. It's relative to what is collected. It's not a lot of money collected on the 25-cent calls. The market has moved away from those calls, and the cost of recordkeeping and providing that information on those calls is just sort of out of line with what normally a taxpayer would be expected to pay in order to collect the money.

Mr Crozier: Do you know how much it costs?

Mr Laramy: Personally, I don't have the number, but I'm sure that amount is available. It's just that I don't have it right now, and I know that the underlying rationale for doing it is what I explained to you.

Mr Crozier: You told me it wasn't available because it's confidential information.

Mr Laramy: No, I said I can't say it to you right now.

Mr Young: The same as they couldn't tell anybody how much tax you pay. It's an individual taxpayer.

Mr Crozier: I appreciate that.

The only other comment I want to make is that the gross receipt tax is a business tax. Mr Young has pointed out how much money Bell Telephone pays in gross receipt tax, and that's a business tax. This tax that we're talking about, the retail sales tax, is a tax that's paid by the consumer — totally different.

It costs the business, and I will acknowledge this, it costs any business some money to collect and remit it, notwithstanding the fact that they have that money in some cases for the period of a month or 60 days, whatever amount of time they have to remit it in. But it's a consumer tax, and we're taking this consumer tax off these calls. I'm with Mr Silipo: How is the consumer going to win in this? The consumer isn't; Bell Telephone is.

Mr Silipo: I just wanted to make that point, and the reason I approached it the way I did is I wanted to be clear, first of all, whether the government was in the process of taking any steps that maybe I wasn't aware of. But I would conclude, and if I'm wrong I'm sure someone will correct me, that what the government is doing here is simply reducing a tax for, in this case, Bell Canada, but the government is not taking any steps to ensure that that savings, that money that Bell Canada will no longer have to remit to the Ontario public coffers, will somehow be passed on to the consumers.

That's my concern, and that remains my concern, because I think the impression that the government has given through the budget on this is that they are somehow doing that. But I have yet to see any particular steps taken by the government to ensure that this saving is in fact passed on to consumers.

0950

I continue to look forward to the government telling us what it is they are going to do to make sure. I don't disagree with the logic of what the government is doing. My point is, if Bell is no longer going to have to pay this, if this is an amount that's gone into, over the years on the part of Bell, calculating the cost of a telephone call at 25 cents — granted that it would be awkward to reduce the actual cost of a telephone call at a public phone booth to 23 cents to correspond with the reduction — surely there's got to be some other way in which Bell then could pass on the equivalent amount of savings to consumers generally, to people who use the telephone system, in any number of ways, and I continue to look for what the government is going to do to ensure that that happens. So far I've heard nothing.

Mr Young: Mr Silipo, there is another way. As you know, for local service Bell Canada is a monopoly. The CRTC scrutinize any and all revenues they have and any and all return on equity at the end of the year and they determine what rates they can charge for monopoly services they provide. I don't know if you remember, back in the 1980s there was one time they actually ordered Bell Canada — because the economy was so strong, they made a higher return on equity than had been approved — to pay some money back to the local telephone subscribers. So they watch them very closely and that's the way that could be provided back to the consumers.

This section of the act simply recognizes that years ago, if you wanted to make a telephone call on a pay telephone, you had to put a coin in the pay telephone. We're in transition away from that, and there will probably be some time far in the future when you don't have to put in a coin at all; you can put in a code or even children will carry around a card they put in a phone or, for that matter, even a telephone in their own pocket with a personal telephone number.

Mr Stewart: I have just one comment. I keep hearing the word "Bell" constantly referred to. There are some 36 independent telephone companies in this province, and certainly many of them are struggling to upgrade their technology in some of the rural municipalities. To suggest that the taxpayer or the people of the province may not benefit — I believe they will benefit by this type of a change and certainly the independents will benefit more to service some of the rural areas in the province.

The Chair: Any further discussion? Seeing none, I shall put the question. Shall Liberal motion number 7 carry?

Mr Rollins: That was already done.

The Chair: I'm sorry, I'm going back to where we were.

Shall section 45 of the bill carry? Section 45 is carried.

Are there any comments or questions on section 46 up to and including section 51 of the bill? Seeing no comments or questions, I shall put the question for section 46 up to and including section 51. Shall section 46 up to and including section 51 carry? Carried.

Section 52: Any comments or questions on the short title of the bill? Seeing none, I shall put the question. Shall section 52 of the bill carry? Carried.

Shall schedule A carry? Carried.

Amendments on the long title.

Mr Young: We have an amendment on the long title, and I think I'm going to ask for unanimous consent and I'll explain why. There is a tradition or a protocol in Parliament that material in the bill should either be named in a general sense or should be named specifically. We want to amend the long title of the act to include "and to make other amendments to the Highway Traffic Act," because there are amendments to the Highway Traffic Act.

We want to make the bill perfectly clear with regard to the suspension of licences for certain Criminal Code offences, in addition to the provincial offences, and for any citizen or any lawyer or law student who wants to understand the law and is doing research on such matters, we think it will help them find the essence of the bill a lot more easily.

Mr Crozier: What is the unanimous consent for?

Mr Young: Why don't we just vote on the motion?

The Chair: No, otherwise the motion will be called out of order because the ruling is, Beauchesne's Parliamentary Rules and Forms states on page 209 of the sixth edition: "The title may be amended if the bill has been so altered as to necessitate such an amendment." Similarly, one reads in Erskine May Parliamentary Practice, 22nd edition, page 533: "Except in the circumstances described below, the title can be amended only if the bill has been so altered as to necessitate such an amendment...."

Mr Crozier: We just learned something.

Mr Silipo: I don't want to be difficult about this, but I don't agree with the rationale for the amendment because if the point of the amendment is that you want the title to reflect the various changes that you're making, there are many other acts being amended. I don't understand the reason for picking out one more of the acts that you're amending as opposed to leaving out four or five of the others. If it's out of order, Chair, then it's out of order. I'm not agreeing to unanimous consent.

The Chair: So you're not agreeing to unanimous consent. Okay. Before I can actually rule it out of order, the motion has to be put forward. We have a little glitch here.

Mr Young: Do you want me to read the motion?

The Chair: Yes.

Mr Young: I move that the long title of the bill be amended by striking out "and" in the second line and by adding the following at the end: "and to make other amendments to the Highway Traffic Act."

The Chair: I've already explained the reasons why I as Chair have to rule this amendment out of order.

Mr Crozier: Chair, just a question. Why wouldn't you name the other acts and then perhaps we can get unani-

mous consent? It's no stumbling block as far as I am concerned, but I understand Mr Silipo's point. The tobacco act is in there and the Ontario Loan Act is in there.

The Chair: It would be up to the individuals who put the motion forward to determine why they worded it the way they did.

Mr Crozier: Okay, I'm asking —

Mr Young: Chair, please, maybe legal counsel can explain the rationale to Mr Silipo.

The Chair: You may proceed. If you could identify yourself for Hansard.

Mr Graham Stoodley: I'm Graham Stoodley, Ministry of Finance. One of the reasons, I think, to amplify Mr Young's statement for amending the long title of the bill is not particularly to deal with other acts.

The present title of the bill is An Act to cut taxes for people and for small business and to implement other measures contained in the 1998 Budget. Our main concern in proposing this amendment is that the budget's references to safety would not have been specific enough to deal with certain aspects of the Highway Traffic Act for driving while your licence was suspended. In one sense, they might be and in a possible sense, they might not be.

With respect to the other acts in the bill, those amendments, provisions, are in our view clearly dealt with and covered in the budget so that the long title saying, "and to implement other measures contained in the 1998 Budget" deals accurately with the amendments to the other acts that are referred to in Bill 15.

The only difficulty is whether the safety provisions — we thought initially that the safety provisions in the budget would deal clearly enough with the driving-while-licence-is-suspended amendments in the amendments to the Highway Traffic Act. Some doubt was raised about that and this amendment was intended to dispose of that doubt. If in fact, in the members' minds, there is no such doubt, then you just have overcautious bureaucrats here.

The Chair: Any further discussion?

Mr Young: Did you understand or did you hear what counsel said?

Mr Silipo: I understand, yes.

Mr Young: "The 1998 Budget" refers to all the other acts.

Mr Silipo: Yes, and it refers to this as well. If you're looking for a way to highlight this one, then you should be prepared to highlight all the other changes. If you're not going to highlight one, don't highlight them all. No, I'm sorry. I'm not going to agree to unanimous consent.

The Chair: I will ask, is there unanimous consent?

Mr Silipo: No.

The Chair: I have ruled that the motion is out of order.

Shall the long title of the bill carry? Carried.

Shall Bill 15 carry? Carried.

Shall Bill 15 be reported to the House? Agreed.

This concludes hearings on Bill 15. I thank everyone for their indulgence.

The committee adjourned at 1002.

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Second Session, 36th Parliament

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**Official Report
of Debates
(Hansard)**

Monday 15 June 1998

**Journal
des débats
(Hansard)**

Lundi 15 juin 1998

**Standing committee on
administration of justice**

Prevention Of Unionization Act
(Ontario Works), 1998

**Comité permanent de
l'administration de la justice**

Loi de 1998 visant à empêcher
la syndicalisation
(programme Ontario au travail)



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
ADMINISTRATION OF JUSTICE

Monday 15 June 1998

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE
L'ADMINISTRATION DE LA JUSTICE

Lundi 15 juin 1998

*The committee met at 1534 in room 228.*PREVENTION OF UNIONIZATION ACT
(ONTARIO WORKS), 1998LOI DE 1998 VISANT À EMPÊCHER
LA SYNDICALISATION
(PROGRAMME ONTARIO AU TRAVAIL)

Bill 22, An Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act, 1997 / Projet de loi 22, Loi visant à empêcher la syndicalisation en ce qui concerne la participation communautaire visée par la Loi de 1997 sur le programme Ontario au travail.

The Chair (Mr Jerry J. Ouellette): I call the standing committee on administration of justice to order. The first order of business today is that someone move a motion to accept the report of the subcommittee.

Mr Jack Carroll (Chatham-Kent): I move the adoption of the report of the subcommittee for the meeting dated Wednesday, June 10, 1998.

The Chair: Discussion? All those in favour of the acceptance of the subcommittee report? All those opposed? Carried.

At this time, according to the subcommittee report, we move into members' statements.

Mr Peter Kormos (Welland-Thorold): On a point of order, please, Chair: Correct me if I'm wrong, because I may well be, on this one. I see the report from Mr Fenson regarding the two issues, "Bargaining rights" and "Present implementation." Perhaps this is the full response to the query about the application of the Labour Relations Act and who it is and who it isn't who could engage in collective bargaining and trade unionization in any event. I don't know if this is the response or if there is more forthcoming.

Mr Avrum Fenson: I hope to have more details in response to that part of the question.

Mr Kormos: No problem. I'm not wanting to push legislative research, because they're underpaid and understaffed.

Hon Janet Ecker (Minister of Community and Social Services): And overworked.

Mr Kormos: Especially since the cutbacks here at Queen's Park. But could Mr Fenson let us know a rough idea of when those would be available?

Mr Fenson: I hope I can have something tomorrow.

Mr Kormos: Thank you kindly. Again, no criticism of Mr Fenson or the staff.

STATEMENT BY THE MINISTER
AND RESPONSES

The Chair: Okay. We're going to move to members' statements. At this time, according to the subcommittee, each caucus is allowed 20 minutes. We begin with the minister.

Hon Mrs Ecker: Thank you very much to the Chair and to the members of the committee. I am very pleased to be here today as the committee begins its consideration of Bill 22.

The purpose of this legislation is clear. It provides that the Labour Relations Act does not apply with respect to participants in a community participation activity under the Ontario Works Act. It will prevent the use of the Labour Relations Act for purposes of unionizing, bargaining collectively or striking.

Let me be clear about the reason for this legislation. It is the direct result of some Ontario labour leaders attempting to sabotage welfare reform. They have been actively harassing community agencies participating in Ontario Works and they are now attempting to unionize welfare recipients. We saw in the press this weekend another example, where CUPE picketed St Mike's hospital because two individuals on social assistance asked to be there for experience they thought could lead to a job.

We do not intend to allow this sabotage to succeed. Bill 22 protects the integrity of the reforms our government has been making to this province's welfare system. We have come too far in transforming welfare into work to turn back now. We will not return to the insanity of paying people to do nothing.

The reason we have drawn this line is simple: People on welfare want to work. They want to become self-sufficient. Until recently, though, the welfare system did not provide them with the kinds of practical assistance to achieve that objective.

When our government came to office three years ago, we inherited a welfare system that had completely lost its way. It had ceased to represent the values of mainstream Ontario, the values that built this province.

You can see it in the statistics: The number of people on welfare tripled between 1985 and 1995; 1.3 million of

our citizens, a full 12% of the population, had become trapped on welfare; Ontario, our richest province, had the highest per capita welfare caseload in Canada.

This situation is unacceptable. With all its advantages and opportunities, this province must have more to offer its people than welfare dependency. We simply could not stand by and accept this tremendous waste of human resources.

The key challenge we faced was the need to restore the credibility of the welfare system with taxpayers. The people of this province are compassionate and generous. They are willing to help people in need, but they had some tough questions about the welfare system. They wondered why it seemed to be more attractive to be on welfare than to work hard and pay the taxes to support the system. They asked why the more money Ontario spent on welfare, the bigger our welfare problem became. They also wanted to know why the objective of the welfare system was not employment.

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When we searched for the answers to these questions, they were easily found. The first was high welfare rates. With the best of intentions, successive governments had mistaken excessive generosity for compassion and raised welfare rates to record levels. The result was predictable. High welfare payments removed the incentives for self-sufficiency, and over time the welfare system departed from its original purpose. It ceased to be a transitional bridge to self-reliance and a stepping stone to employment. It had become a trap for far too many Ontarians.

The second reason for the welfare mess we inherited was much more complex, and it goes right to the heart of our welfare reforms. The welfare system was not offering focused and sustained employment help to recipients. Passive income support was not enough. In failing to help people move from dependence to self-sufficiency, the system offered neglect instead of real help.

Members are familiar with the first steps we took towards reform:

We reduced assistance rates significantly, but to a level that is still, on average, 16% above the average of rates in the other nine provinces.

We brought in the most generous earn-back provisions in the country, which allow recipients to earn back the difference between the new rates and the old rates without penalty. That's a stepping stone back into full-time employment.

We acted to reduce the most prevalent misapplication of funds, by tightening eligibility rules for teenagers, for people in common-law relationships and for those who voluntarily quit jobs or refused employment.

We set up a welfare fraud hotline to catch people ripping off the system and to prevent future frauds.

These initial controls on the system were important, but they were just a down payment on real reform. We recognized that fundamental change would require an entirely new approach to welfare.

In 1996 we began the phase-in of Ontario Works, our mandatory work-for-welfare program. Its objective is

simple: to help welfare recipients find the shortest route to a paying job.

Ontario Works provides the resources necessary to link welfare recipients to employment. In return, it requires them to use those resources and asks that they take the necessary steps to invest in their own future. Personal responsibility is now a fundamental expectation of our welfare system. Doing nothing is no longer an option.

In addition to providing financial assistance to people in need, Ontario Works links welfare recipients to employment. It has three main components: community participation, employment supports and employment placement. Through the program, participants receive opportunities for work experience that build skills, references and contacts for future employment; links to basic education and job-specific skills training; and job search, help in finding a job and referrals to job placements.

Community participation is a critical component of Ontario Works. Many welfare recipients lack the self-confidence, the work experience and the basic skills they need to connect with the world of work. These are skills you learn by doing, not from books or in a classroom.

Many welfare recipients already knew this, and that is why so many have volunteered with community agencies in the past. They took the initiative to seek out opportunities to obtain these skills on their own. They also recognized an obligation to put something back into their communities.

We thought that if welfare recipients themselves saw the value of work experience, the least we could do was recognize that need and respond to it. We made community participation a mandatory part of Ontario Works, to reflect the true value of work experience.

By threatening the very agencies that provide community placements, some labour leaders have resorted to the most selfish and destructive form of intimidation. Attempting to unionize welfare recipients has nothing to do with the wellbeing of Ontario Works participants. It has everything to do with the political agenda of those labour leaders. They are saying to welfare recipients: "I'm all right, Jack. I've got a job. But because we are picking a fight with the government, you can't have one."

The critics of Ontario Works are entitled to their views, and I respect that. But I believe they are wrong and that the issue at stake in Bill 22 is far more important than a difference of opinion. What counts in the end is what Ontario Works participants themselves believe about community participation and how it links them to jobs and a better future.

If you go and talk to them, like I have, they will tell you that community participation makes a difference. Community placements help them get ready to work. The old skills come back and new skills are learned. They get experience and references they can take to a prospective employer. They meet people who can connect them with future jobs. A new world opens up.

You don't have to take my word for it. Listen to what they say themselves. From Haileybury: "I get references on my résumé that I wouldn't have had." From Acton:

"It's a good way to get out and get more experience." From Kirkland Lake: "I think workfare has given me the go-ahead to do what I have learned." From North Bay: "You feel good about yourself because you are actually working for the money you are taking." From Burlington: "I have a brighter outlook on my future."

This linkage between experience and opportunity is so obvious and it makes such common sense that I am surprised anyone would question it. Certainly the people of Ontario do not, because they have told me again and again that Ontario Works is working. Ontario Works participants are not asking me, "Why is this program mandatory?" What they are asking is: "Where do I sign up? Why aren't there more community placements?"

Ontario Works participants are also now telling me they would like to see community participation extended to the private sector. Once again, they are ahead of the critics. They know that the Ontario economy has already created 381,000 net new jobs since September 1995. They know that job opportunities are out there and they want their chance to get them.

Bill 22 is therefore another vital step in our plan for welfare reform. It protects the integrity of Ontario Works. It sends the clear message that we will not allow some labour leaders to hold welfare recipients and community agencies hostage to their narrow political interests. Bill 22 ensures that the full benefits of our welfare reform initiatives will be realized — for those who want to escape welfare and for Ontario taxpayers.

As members begin detailed consideration of Bill 22 today, I would like to address some of the specific issues I expect will be raised by the critics of this legislation. Its opponents will be advancing a number of myths about community participation and this bill, and I would like to address these directly.

First, you will be told that making Ontario Works mandatory is somehow immoral because it victimizes welfare recipients and blames them for their dependence on welfare. I cannot think of anything further from the truth.

Indeed, it was the old welfare system that made victims of recipients by offering little more than a cheque and a pat on the head. In the name of compassion and a misplaced concern for rights, all it really offered was neglect. In effect, the old system said: "Here's your cheque, now off you go. If you don't bother us, we won't bother you. Call if you find work."

Ontario Works turns that approach upside down. The new system cares enough to take an active interest. It says, "Here's the money you need right now, but here also are the resources to become self-sufficient so you won't need us any more."

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Another myth you will hear is that Bill 22 is designed to strip Ontario Works participants of employment protections. Here again the critics are wrong. People in community participation placements in Ontario Works will continue to benefit from the following workplace protections and benefits: health and safety protections under the Workplace Safety and Insurance Act, 1997, and the

Occupational Health and Safety Act; workplace insurance, either under the Workplace Safety and Insurance Act or equivalent accident insurance where the WSIA does not apply; privacy protection; a limit of no more than 70 hours per month in a community placement, as well as a limit on hours of attendance to eight hours a day and 44 hours per week; a restriction on the number of hours to be spent in community placements to ensure that the monthly benefit divided by hours of attendance equals at least the minimum wage; entitlement to public and religious holidays; and pregnancy and parental leave.

Given that list of protections, it is difficult for me to understand the claim that community placements victimize Ontario Works participants.

Critics will also claim that this legislation is taking away the rights of welfare recipients to belong to unions. Again, that is untrue. This legislation does not say that a recipient can't belong to a union or participate in union activities or work in a unionized workplace. The only restriction applies to unionization related to community participation.

As you consider Bill 22, you will be told that Ontario Works replaces real jobs, that community placements will become, as one critic put it, a "life sentence." Neither of these fanciful charges is true. The sole purpose of Ontario Works is to move people off welfare and into employment through the shortest possible route. No purpose would be served by replacing public or private sector employees with welfare recipients. Unlike other parties, this government does not believe that the public sector is the last employer or the employer of last resort.

Another claim made by the critics is that Ontario Works does not provide single mothers with the child care support they need to participate. That claim is also false. Affordable child care is obviously a critical support to parents seeking to escape welfare. Our government has an unparalleled record in expanding child care support:

This year, the ministry and our municipal and community partners will spend up to \$660 million on child care services, the highest level in Ontario's history.

The parents of over 73,000 children are receiving assistance with child care fees. Close to 14,000 new licensed spaces have been created in Ontario in the past three years.

The recently announced Learning, Earning and Parenting Program, or LEAP, will provide \$25 million for child care subsidies and other supports to help young single parents on welfare finish high school.

We are increasing our child care assistance for other parents in Ontario Works from \$30 million to \$40 million to support transition to work.

Finally, the budget added \$100 million to the Ontario child tax credit we established last year. The new Ontario child care supplement for working families will provide a total of \$140 million to 350,000 children under the age of seven in working families with low and moderate incomes.

Since the moment our government began its welfare reforms three years ago, the critics have forecast failure time and time again. They have filled the air with

outlandish claims and scare tactics. It is time for them to take another look, to forget the rhetoric and to look at the facts.

Since Ontario Works began, more than 323,000 Ontarians have participated in one or more of its employment activities. More than 270,000 people have stopped relying on welfare. The majority of those people are working. They have escaped the welfare trap. They are paying their way and are contributing to this province.

Ontario Works builds a bridge to employment for welfare recipients. Those labour leaders and those union representatives who intend to sabotage this program have issued the challenge. Bill 22 makes our response clear. We will not let them bomb the bridge of opportunity.

The Chair: Thank you, Minister. We now move to —

Mr Kormos: On a point of order, Mr Chair: I don't want to prejudice the situation, but it has been the protocol here for 10 years to distribute the minister's comments in written form while they're being read. I'm sure it was just an oversight on the part of the minister's staff. I tried to make notes but I was so riveted by the style and the delivery that I found my pen idle.

The Chair: Are you requesting a copy of the notes, Mr Kormos?

Mr Kormos: I'm requesting that we might have a copy of the minister's statement to the committee this afternoon.

Hon Mrs Ecker: We will certainly do that, Mr Kormos. My apologies. I think it probably had something to do with the fact that the minister has been known to change the odd word at the last minute. We will certainly endeavour to get you a copy.

Mr Kormos: To her credit or at her peril; one way or the other, I suppose.

The Chair: We move to the official opposition.

Mr Dominic Agostino (Hamilton East): It's certainly my pleasure to respond on behalf of my party —

The Chair: Can I interrupt just for a moment? I won't include it in your time. Although it was not specifically discussed during the subcommittee meeting, we have the okay for part of your 20 minutes to be questions. The minister is more than willing to answer those. Okay? You may begin.

Mr Agostino: Thank you, Chair. I'm pleased to get a few minutes. Since I'm no longer the critic, I don't get the pleasure of asking the minister questions in the House on this issue.

Hon Mrs Ecker: We miss you.

Mr Agostino: I miss it as well.

I was interested in listening to the comments of the minister about this. I'll give her credit: On this issue, she certainly has the spin down pat, the buzzwords and the angles, but the reality doesn't match what has been said by this government. The issue of welfare dependency became a hot political button for this government. You ran an election campaign on hot-button politics. Whether it was visible minorities, through employment equity, or welfare recipients, you were going to whip them all into shape. You pushed the buttons in a nasty politics of

division that had not been seen in the history of this province, a politics of division that said: "We will add by subtracting. We'll lose all those folks. It doesn't matter how we hurt those people because we're going to get a whole bunch on this side." That is really an American-style, Republican-style politics that has been practised over the years but introduced in Ontario for the first time.

Workfare was one of those. If we look at what this government has done since they took office — the minister made reference to higher welfare rates and the lack of incentive. Remember the press conference of Mike Harris, then leader of the third party, who paraded a woman in front of the media and said, "This woman was making \$40,000 a year and she has quit her job and she's on welfare because she can make more money." Within an hour, every single credible bureaucrat and welfare official in this province said no, that Mike Harris was wrong, those facts were wrong. That didn't stop Mike Harris from continuing that line, although there wasn't one shred of evidence to suggest that this woman was better off on welfare than she was in her job.

That set the mindset and the tone and the attitude this government was going to take when it came to dealing with welfare recipients. We have seen the most massive attack on the poor in the history of this province. This government decided that right across the board, for every individual on welfare, there would be a 22% cut. There were 500,000 kids who all of a sudden had whatever income came into their home cut by 22%. Right across the board, regardless of circumstances, regardless of situations, your first move was to cut 22% off the benefits of every welfare recipient in Ontario.

You then moved on to reduce shelter allowances. You then went on to wheelchairs, ambulatory aids, surgical supplies, walkers, bathtubs, things that people who were in need required, often particularly as a result of medical conditions. You cut those.

You then decided that mandatory workfare for mothers of children as young as three years old would be brought in.

You then reduced the amount of earnings that could be retained if you get a job. That was meant to be an incentive, that people could work and on a graduated scale the benefits would be clawed back. The incentive was clearly there, but you got rid of that as well.

You cancelled the \$37 pregnancy allowance because the Premier thought that women would use it to drink beer instead of trying to do things that would help their pregnancy and the child.

You eliminated the drug card for low-income earners.

You gave police extensive powers: police powers to welfare officers.

You've made your appeal process much more difficult. Not only have you made the tribunal and the process for appeals much more difficult; you then proceeded to stack this board with advocates of government welfare-bashing policies, failed candidates of the Conservative Party who ran on the platform of bashing welfare recipients. Now you have the individuals sitting as part of the Social

Assistance Review Board, judging the cases of individuals who come before them. These are people who ran on the Mike Harris agenda and said: "Welfare recipients need to be fixed. Their benefits are too high. We're going to cut them." Now these folks get to make a decision on appeals. You have stacked that board with political appointments of failed candidates who ran on your agenda, on the welfare agenda that you had.

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Now we get to workfare, first of all why this bill is here. The minister knows that the reason this bill is here, with the \$700,000 cost to the taxpayers of Ontario, is because one of your members fell asleep at the committee and a vote and an amendment that had to get through did not. That is why it is here, what my colleague from Windsor-Sandwich referred to as the sleeping beauty bill. This is really a \$700,000 bill we have here in front of us.

I take issue with the numbers. The minister, and I hope I heard her correctly — maybe she can clarify it — said in her statement that there are now 323,000 people who have participated. That is a magical jump, unless I heard it wrong. Could I get that clarified? It's 273,000 in the statement.

The Chair: Are you asking a question?

Mr Agostino: Could I ask for clarification? Did the minister say 323,000? Yes, so we've had a magical jump of 50,000 people in less than a month on this program, because in her statement of May 14 the minister said 273,000. In three weeks, somehow we've plopped 50,000 more on to this. I tell you, they must be working 24 hours a day, 7 days a week in every welfare office across this province to ram them through.

Hon Mrs Ecker: Are you doubting the credibility of municipalities, Dominic?

Mr Agostino: No. Very clearly what I'm doubting is the validity of the numbers.

What has happened, and the minister knows this and she can later give me information to the contrary, is that you have taken every single program that used to exist — and municipalities used to run them. You're running on this myth that somehow there were no programs in place and the municipalities never did anything. The minister said, "The old system basically was to give them a cheque and a pat on the head." You wonder who's doubting the credibility of the work of municipal officials when the minister can sit here and suggest that before the magical transformation brought about by your government, all the welfare officials across this province did was simply hand out a cheque and pat welfare recipients on the head.

Let me tell you what you've done. You've increased the caseloads dramatically because of the cuts, first of all. That is really detrimental to welfare recipients. The point of view that programs are all of a sudden new and you've introduced them is a fallacy. You have taken these numbers — you've taken every single program that existed, and you don't even have the courage to acknowledge that. At least come clean and say, "Yes we've rolled in programs that were in place before and we've included them in our Ontario Works numbers." But you're not

doing that. You're suggesting that the either 273,000 or 323,000, which could be 350,000 by the end of this committee, are due to new programs you've brought in as a result of workfare. That is not accurate. The minister knows that.

In my own region of Hamilton-Wentworth programs were in place for years, programs like Helping Hands, which took people who were hard to employ, young people who often had a history of drug and alcohol problems, literacy difficulties, a lack of education, a lack of skills, and put them into programs that were tailored to the individual, programs that fit, programs that helped through a combination of on-the-job training and educational upgrading. Those programs were there long before your government took office. Those programs had about a 70% success rate in employment once those people got through the program. These were the hard-core, hard-to-employ individuals in the system. That was nothing new.

But you've rolled those numbers in and said: "Hey, workfare. That's what it's all about." Every municipality that had programs in place — and every single municipality in this province had programs in place before you took office. You have now somehow taken credit for those numbers. Magically, you've said that these programs didn't exist before. As the minister said, they simply got a pat on the head, and all of a sudden you have all these wonderful new programs in place. That is inaccurate. That, in my view, is not giving a true picture to the people of Ontario as to the true effect of the program.

What I'd like you to do is come clean and tell us how many people were enrolled in retraining, educational programs, on-the-job training and any other programs the municipalities ran for welfare recipients before you brought in workfare. If you want to compare, those are the numbers you have to compare. Tell us what those numbers were and then tell us how many people have gone on to the program since. Then you get a much more accurate thing and see what kind of bang for the buck you're getting. I think it is condescending, truly patronizing for you to suggest to municipal governments or to municipalities and regions that ran social service programs that somehow all they did was pat people on the head and give them a cheque before you took office and brought in slave labour, or workfare, as you like to call it. That is wrong. That is inaccurate.

Now the minister says, "We're going to move it to the private sector," which was one of the fears many of the opponents had when workfare was brought in. Initially you sold it on the idea that this was going to help social service agencies. You cut their funding. You cut their grants across the board by about 5%, and on every year. Then you said, We'll make up for the dollars; we'll give you welfare recipients to work for free for you; we'll give them a chance to earn their money," as you put it.

Our fear at that time was that you were going to expand it to the private sector. It was denied up and down by this government: "We have no plans of going into private sector workfare." The previous minister made it clear that workfare was not going to be expanded to the private

sector. Now it's expanded, or will be expanded, to the private sector.

Now you have slave labour for industry across this province. It doesn't cost them anything. There is no guarantee of job replacements. There is no guarantee of hiring at the end of the day, but they'll get someone to work for them for free, forced upon them. It's no longer fitting a program to a need for a program, or trying to fit an individual to a program that you have. It's going to be across-the-board, "Let's slot in as many people as we can and let's give the private sector a free ride."

That is what this is going to be. It's going to be expanded simply for the sake of giving your friends in the private sector more of an opportunity to have free labour in the workforce and this is what you're going to encourage.

This bill, for you as government members, captures the best of both worlds. With one bill you get not only to bash welfare recipients, which you've done so well for three years, but you get to bash labour unions again: two of your target groups, two of the groups you've gone after since day one. You hated labour unions right from the beginning. You hated the fact that organizations in this province protected their workers, fought for the rights of workers, for decent working conditions, decent standards in the workplace, health and safety and decent wages. Somehow that doesn't fit into your whole agenda of what Ontario should look like.

You would probably prefer a system that you would have in Alabama or Mississippi where there are very few labour standards, very few protections for workers, and low wages. They get their product done a hell of a lot cheaper, but what quality of life do they have in those states? You would prefer that. So you attack unions with this and you also tie in welfare recipients. What a convenient whipping boy here. Your numbers go down in the polls a bit. It doesn't look quite as good. "Let's push the welfare button again. What program could we bring in this week to just push that button?"

No one in this room would be opposed to programs that made sense, that could be fitted into the needs of welfare recipients and lead somewhere. No one would be opposed to that. No one is suggesting that if the opportunities are there for individuals to be involved in meaningful programs, they shouldn't be. But that is not what this is all about. This is public relations, hot-button politics, exploiting divisions in our province and our communities to try to score some cheap political points. That's all this program of workfare and the act that you have brought in today are all about.

We've seen it again and again. You continue to somehow, directly or indirectly, suggest that welfare recipients don't want to work, that their benefits are too high and you are going to fix them. You ignore the fact that the vast majority of people who have come on welfare in this province in the last five or 10 years often have done so as a result of economic conditions, often as a result of job loss, often as a result of plants shutting down, people whose UIC has been exhausted and have no choice.

I can't tell you the number of times when I was chair of social services in my region of Hamilton-Wentworth that I had men and women in their 40s and 50s come into the office, come and see me, crying, devastated that as a result of the economic conditions they were facing, the result of a job loss, they had to go on welfare. It was devastating to these individuals.

These were not people who lacked a work ethic or who needed you to give them a kick in the butt. These were people who had worked 20, 25, 30 years, had come to this country with a few skills, didn't know the language, but knew the work ethic. Now, as a result of conditions beyond their control, they were forced on to welfare.

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What are you going to do? Somehow you're going to force these people to get on to a workfare program because they need that incentive, they need that boost, they need that work ethic you're trying to instil, which somehow disappeared after 30 years. They woke up one morning and said: "You know what? I don't want to work any more after 25 years. I want to go on welfare and live high on the hog, with a couple of kids and maybe \$800 or \$900 a month. That is the lifestyle I choose." That is what you're hinting through this, in its continuous attack. I think that's a great insult to many Ontarians.

Granted, there will be a few people, a percentage, as there is in every system of government, who tend to have generational welfare dependency. That is more of a myth than a reality. That is a small percentage of the cases. That is not reflective of most welfare recipients across Ontario.

It's the same thing with your fraud hotline. You've noticed with the hotline that the percentage of cases you're going after has not increased dramatically, that the percentage has always been somewhere in the 3% to 5% range and has remained constant. You haven't all of a sudden found a dramatic increase in the percentage of fraud cases as a result of your hotline. None of that has been borne out.

I look at this bill and I see it simply as nothing more than a reaction, trying to push some buttons, trying to send a message to people across Ontario that you're being tough on welfare recipients, frankly punishing some of the most vulnerable people in our society who have committed the crime of being poor or being out of work or being a single mom. It's a crime in Ontario under your government to be in that unfortunate situation, and you're going to punish them, you're going to fix them. You somehow are going to take credit for a great turnaround in the number of people in programs and I think that's wrong.

I ask government members to take a step back and look at the responsibility you have with governing. You're responsible to govern for all Ontarians, not only for your friends. I think that in government and in politics, we have a special responsibility to ensure we don't do anything to hurt the most vulnerable, the individuals who rely on and look to government for a hand up and for some help when they're going through difficult times in their life. They don't expect government to turn its back on them. We have a special responsibility to those individuals. You've

taken that responsibility and you've decided to totally abandon it and abandon them in the process.

I have a quick question to the minister, if I may.

The Chair: You have about four minutes, closer to three.

Mr Agostino: I want to go back to the question of the numbers, whether it's 273,000, as you said on May 14, or whether it's the 330,000 or whatever thousand you have as of today here. Minister, has your ministry done a breakdown to look at how many people were in programs, in all programs in municipalities right across the province, before you brought in workfare compared to now? How many people were enrolled in programs like Helping Hands and First Job and Job Finding Club, and those types of programs that retrain or help people on welfare get into the workforce? Do we have any idea?

Hon Mrs Ecker: I don't know. I could certainly ask officials if they have the answer to that question. We keep statistics about how many individuals have participated or are participating in Ontario Works based on data and information that are supplied to us through the municipalities. I can ask officials if there are any further data from past programs.

Mr Agostino: What we are looking at is basically a comparison, at what the numbers would have been, at how many people were enrolled in programs previous to workfare being brought in compared to now. I think that's a legitimate question, a fair question. I'm glad the Minister has committed today that she'll get that information to us.

Hon Mrs Ecker: I said I'd ask. I don't know what's available, but I'll certainly ask.

Mr Agostino: I can assure you, Minister, that information was kept. I know in my own region it was kept and was available on a monthly basis to us, so I obviously believe it will be available to the ministry and to the minister.

Is it accurate to suggest that for the programs that were in place before workfare or Ontario Works came into effect, those programs now have all been captured under the Ontario Works umbrella? I use the example of Hamilton and the job club for people over 50 or Helping Hands, those types of programs. Are they now all under the umbrella of Ontario Works or do the municipalities still continue to run other programs aside from the people who are involved in Ontario Works, as far as retraining and back into the workforce is concerned?

Hon Mrs Ecker: No, and I guess the one thing, in response to your previous question, is if all the old programs were so successful then I guess I would say, why had the number of people on welfare continued to grow far out of proportion to the economic cycle? It is quite true that the economic cycle has an impact on welfare. But what you had seen over the last 10 years was that the caseload was growing far out of proportion to the economic cycle.

Municipalities: There is new legislation, new program guidelines, new components of Ontario Works that they are meeting and, as you know, many of the programs they

use are sometimes programs they contract out with other community agencies to provide on their behalf. The rules are very clear. It's based on a very different premise than it had been based on before. Basically it is mandatory that someone participate. There are three main components, and under those three components — community participation, employment supports or employment placement — there are, many times, different agencies and different kinds of programs municipalities may provide. But we've been very clear that it must meet the standards and the new rules of Ontario Works.

The Chair: We now move to the third party.

Mr Kormos: I want to thank Mr Carroll and the ministry staff for distributing a copy of the notes. I appreciate what Ms Ecker says when she indicated that she might deviate from the notes. I'm not sure I got the copy I should have. On the bottom of the last page is a handwritten notation: "Who writes this crap, anyway? It's so partisan." But we'll let it stand at that. I don't feel very partisan today.

Hon Mrs Ecker: We recognized your handwriting.

Mr Kormos: It could be the nice weather, it could be because we're not in the Amethyst Room, it could be any number of things. I listened carefully and, as I say, I made quick reference to your notes. In the report from Mr Fenson, the research officer, and again this isn't at odds, he indicates 240,000 people, as of April 1998, as "having participated." I assume that means have participated or are participating in community works. You indicated 323,000, so you're suggesting — I don't have the numbers you do — that an additional 83,000 have joined since April 1998. Is that a fair observation?

Hon Mrs Ecker: The current number is 323,000. It changes monthly; actually, it has been increasing monthly.

Mr Kormos: Is that "is" or "have been"? I'm talking about the conjunctive "or" rather than the exegetical "or" in terms of 323,000.

Hon Mrs Ecker: It's 323,000 have or are participating.

Mr Kormos: Fair enough. No quarrel with that.

Another interesting comment was that you said that since Ontario Works began — I want to make sure I get this one right — 270,000 people are off welfare. Then you say the majority of these people are working. What about the rest?

Hon Mrs Ecker: Some left for income-related reasons, for example. They may well have had their family support payment come in; they may well have had other sources of income that came to them. Some left because they moved to other jurisdictions. Some left because they were in jail. There's a whole range of reasons, but the majority have left for employment-related reasons.

Mr Kormos: You say the majority. Do we know how many of those 270,000 people? I know you can't give numbers down to 572.4, but do we know how many of the 270,000?

Hon Mrs Ecker: We did a survey where we found that over 62% of those who had left welfare were leaving for employment-related reasons. One of the reasons we're

improving the information technology in the welfare system is so we can have very accurate and better data as to why people come on the system and where they go when they leave, because it's a very good question.

Mr Kormos: Those 270,000 were tracked?

Hon Mrs Ecker: No, we did a survey before, so the 270,000 individuals may or may not have been part of the group that was tracked.

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Mr Kormos: Do we know how many were part of the survey?

Hon Mrs Ecker: I don't think we'd be able to get that information. That's a level of detail that I don't think the system is capable of. Unfortunately, it's a very old system. As you know, it has been there for something like 20 or 30 years. That's one of the reasons we need to change that technology. It's one of the things that Andersen, the contract consulting company, is helping us with, to upgrade that technology so we can provide that level of detail to you, because they're excellent questions.

Mr Kormos: But there having been a survey, surely we know how many people were queried in the course of the survey.

Hon Mrs Ecker: Yes. We did a survey and we can give that information to you. We released it publicly.

Mr Kormos: Okay. Perhaps, Chair, we could make a note of that, the minister's cooperation.

You indicate that Ontario labour leaders "are now attempting to unionize welfare recipients." Can you give us examples of where they're attempting to unionize welfare recipients? You said that in the third paragraph of your speech.

Hon Mrs Ecker: Yes. We've seen efforts in some communities. We've seen public comments. We've had reports through anecdotal evidence as well as public statements; Sid Ryan from CUPE, for example, the SEIU up in northern Ontario. We've also seen numerous examples of where the labour groups are harassing — that's the only word I can think to use — community agencies; for example, the labour council in London threatening to pull funding, picket, harass any agency that participates. We had CUPE this weekend going after St Mike's. The list is actually quite long.

Mr Kormos: But that's a pretty bold statement: "They are now attempting to unionize welfare recipients." I hope you and I are on the same ground here. Unionizing means signing people up to union cards. In these instances — you spoke of Sid Ryan and SEIU — how many welfare recipients have signed union cards?

Hon Mrs Ecker: I haven't asked them how many they've signed up. All I know is that they have stated an intention to do so. We do not think it's appropriate, and in order to protect the reforms we've made to the system, which we think are very valuable reforms, we need to act and act now. We don't believe it's appropriate to wait until later. We need to take this step and that's why we're doing it.

Mr Kormos: But you agree with me that the Labour Relations Act defines those types of persons who can

participate in the collective bargaining process, to wit, join a trade union, don't you?

Hon Mrs Ecker: There are certainly rules and regulations and standards in the Labour Relations Act. What we are doing is making it very clear that people who are on community placements, people on welfare who are participating in a community placement, are not employees for the purposes of the labour relations legislation.

Mr Kormos: I want to get back to that, because Mr Fenson tells us in his research provided to us — and when we did Bill 142 we realized that the eligibility requirements covered a broad range. Mr Fenson described them as: (1) participation in community activities, (2) participating in measures that might secure employment and (3) accepting and undertaking basic education and job-specific skills training. I don't know if you have that.

Hon Mrs Ecker: I don't know if I have that.

Mr Kormos: Second page, under "Bargaining rights."

Hon Mrs Ecker: Ah yes, here we are. I'm sorry, I didn't catch your question.

Mr Kormos: Mr Fenson identifies those as what workfare consists of in Bill 142, three categories.

Hon Mrs Ecker: Three major categories: community participation, employment support or employment placement.

Mr Kormos: That means job searches, for instance.

Hon Mrs Ecker: That would be one piece of the components, yes.

Mr Kormos: You see, when you talk about the number of people — and for the moment let's live with 323,000 — how many of those 323,000 are merely engaging in job searches as compared to engaging in participation in community activities?

Hon Mrs Ecker: First of all, one of the things we ask recipients to do is a participation agreement, which is a process they go through with their case worker where they talk about what their goals are, where they want to go, what will need to be done to get them there. We've been very clear from the days early in the election when we talked about Ontario Works that we recognize that many different kinds of components are sometimes required. As the Premier was quoted as saying many times: "Workfare, learnfare, trainfare." We recognize there are different components that are required. The goal is to get that person into a paid job as quickly as possible and to do what it takes to do that. The research from other jurisdictions has indicated very clearly that the most successful programs are those that combine elements of employment experience — that's our community placement — supports, placement and a mandatory participation requirement. That's why we have adopted those in our Ontario Works program.

Mr Kormos: I understand, but once again 323,000 participating in workfare — how many individual people are on welfare rolls in the province? Not to the final number, but how many individuals — I'm not talking about households but individuals — are in receipt of social assistance right now?

Hon Mrs Ecker: I'll have to get you the exact number, because as of June 1, as you'll probably know, because of the new Ontario disability support program, people with disabilities are no longer on welfare. We can get you an exact number on that.

Mr Kormos: Give me a rough idea and I promise not to confront you with it at any point, recognizing that it is a guesstimate.

Hon Mrs Ecker: Before ODSP, it was just over a million. We can get you an exact number for after ODSP.

Mr Kormos: I've read reports that 50% of the people on the social assistance rolls are children. Is that a reasonable estimate?

Hon Mrs Ecker: One of the things we're finding that we're very pleased with is that over 108,000 fewer — actually, it would be higher after the last month — children are on social assistance, which I think is a goal we would all share, in terms of getting more children off social assistance.

Mr Kormos: Are they part of the 270,000 who are off welfare?

Hon Mrs Ecker: What we can do if you'd like is have one of our officials, who is very experienced with how the statistics are gathered and what they mean, answer your detailed questions.

Mr Kormos: So we can get a response.

Hon Mrs Ecker: Yes.

Mr Kormos: Let me put this to you: Do you dispute the observation that 50% — let's assume it could be anywhere from 47% to 53% — of the individuals supported by social assistance are children?

Hon Mrs Ecker: I think it would be appropriate, since I know you want to have the most accurate information, that we make sure that one of our officials, who have all the data available for you in terms of what is there and how it is collected, answer those questions for you.

Mr Kormos: My observation is that if you say we're just shy of a million people on welfare right now —

Hon Mrs Ecker: Just over, and that's pre-ODSP.

Mr Kormos: Right, so we'd be shy of a million now, as a fair guess. My concern, then, is that if 323,000 are participating in workfare, basically what you're talking about is that the adults, be they single adults or adults without children or heads of households, are on welfare, because everybody who's on welfare is engaged in workfare, aren't they, as an adult?

Hon Mrs Ecker: As you know, we are phasing in sole-support parents now, as municipalities are getting their system and their infrastructure up and running. Sole-support parents are now starting to come on stream this year, so there will be some sole-support parents who will not yet be part of the program. It's part of the transition process we're going through, and as you know, children are not mandatory participants in workfare.

Mr Kormos: But every adult who's on social assistance is required to comply with one or more of the three eligibility requirements. Am I correct in that regard?

Hon Mrs Ecker: Yes, but as you also know, we are phasing in the program because, as you would agree, a

change as fundamental as this one, that involves as many people, is something you can't do overnight. We said when we introduced this that it would probably take several years to be fully up and running and implemented. We have all the municipalities now delivering that should be delivering, the legislation is now in place, and we are now phasing in sole-support parents over the course of this year.

Mr Kormos: Do we know how many of the 323,000 are engaging in the participation in community activities, as Mr Fenson puts it, or the community participation, as you put it?

Hon Mrs Ecker: We gather the overall participation rate. That is, I think, the appropriate figure to keep, because as we've said, Ontario Works has many components and at the end of the day the goal is to get someone into a paid job, and that person may need different kinds of supports or experience or programs to do that.

Mr Kormos: If I end up on welfare down in Niagara region, for example, where do I obtain basic education as, let's say, a grade — well, as a matter of fact, I am a high school dropout. I didn't drop out; I got thrown out. As a person without a high school diploma, how does the workfare program facilitate or accommodate me getting my high school diploma?

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Hon Mrs Ecker: Through the municipality, they would link that individual up with the appropriate training programs or support programs that they might well need, and there could be a range in terms of what that person might need.

Mr Kormos: You see, adult ed has all but dried up down in Niagara region.

Hon Mrs Ecker: We've been working with municipalities to ensure that the programs that are required are there and to take steps if necessary to work with them to make sure there are programs there for individuals when they require them.

Mr Kormos: You say Bill 22 is designed to deliver a message, I trust, to the labour leaders.

Hon Mrs Ecker: I would say Bill 22 is designed to be very clear that we do not believe it is appropriate for people in community placements to go on strike.

Mr Kormos: Yes, but you prefaced all your comments by saying: "Let me be clear about the reason for this legislation. It is the direct result of Ontario labour leaders attempting to sabotage welfare reform." That's from your opening remarks. Is the focus of Bill 22 a message to labour leaders?

Hon Mrs Ecker: The focus of Bill 22 is to ensure that we can continue to reform the welfare system with Ontario Works. I'm sure you can draw whatever message you would like, but we are being very clear that we do not believe that people who are participating in placements should be able to do things like go on strike, so we are preventing that activity with this legislation.

Mr Kormos: You talk about, first, the threat of unionization, and then you talk about harassment of agencies that endorse or engage in workfare placements. Correct?

Hon Mrs Ecker: A number of things have been done to undermine and prevent people on social assistance from getting the opportunities they would through a community placement.

Mr Kormos: Threats of boycotts of United Ways?

Hon Mrs Ecker: That's certainly one thing that has occurred and is continuing to occur: threatening to pull the funding from community agencies in the middle of funding campaigns, which I think is quite a despicable activity.

Mr Kormos: Other examples?

Hon Mrs Ecker: There have been a number of different kinds of harassment tactics, as we've understood, picketing and several other activities.

Mr Kormos: Can we talk about any of the "several others," or are they secret?

Hon Mrs Ecker: I think that picketing and harassing individuals and threatening to pull their funding are pretty serious, over-the-top responses to a policy that is indeed helping people. I can understand why those individuals might not agree with the government's program, and that is certainly —

Mr Kormos: You mentioned the several others. What are the several others?

Hon Mrs Ecker: I think harassing individuals —

Mr Kormos: You already mentioned that one.

Hon Mrs Ecker: Yes, I think harassing individuals is not something that should be occurring.

Mr Kormos: But what about the several others? You talked about harassment and picketing. What about the several others?

Hon Mrs Ecker: I think harassment, threats, picketing and threatening to pull funding —

Mr Kormos: You talked about those. I want to know about the several others.

Hon Mrs Ecker: I think those are very serious, Peter.

Mr Kormos: I want to know about the several others, or was that merely hyperbole? Far be it from me to criticize hyperbole, but was that merely hyperbole?

Hon Mrs Ecker: I think that those activities they have done are not acceptable and not appropriate, and that is one of the messages we are trying to say, that we don't think that activity is appropriate.

Mr Kormos: So you're going to straighten out Sid Ryan with Bill 22, so you think, and obviously Bill 22 is focused towards efforts to unionize. I understand. How are you now going to straighten out the social justice groups, the church leaders, the community leaders, the social activists, the religious leaders, the moral leaders, the anti-poverty advocates and the advocates for the poor? What can we expect next? We heard your speech in the Legislature; we knew who you were talking about. How are you going to straighten out all those clergy people, darn it, priests and rabbis and ministers, who are as adamantly opposed to your workfare? Can they anticipate similar legislation to parallel Bill 22?

Hon Mrs Ecker: First of all, Peter, you're using the words "straighten out." That is not my term nor what we're attempting to do here. This legislation deals with one specific aspect, and I think this government will

continue to promote the positive attributes of Ontario Works. We're going to continue to work with community agencies and any other group or organization in terms of answering their questions.

One of the things that has been quite unfortunate is that there are groups basing their opinions of Ontario Works on the misinformation and mistruths that have been spread by other groups and other individuals. That has been quite unfortunate. As a government, that is one of the reasons we have done as much promotion and had as much information available for members of the public on Ontario Works, so people can judge for themselves what is actually happening with this program.

Mr Kormos: How much money have you spent on the promotion?

Hon Mrs Ecker: The numbers we had for the campaign last fall were publicly available, and we can get those details for you if you would like.

Mr Kormos: Thank you, ma'am.

The Chair: Thank you very much, Mr Kormos. That concludes the hearings for today.

Mr Kormos: One moment, Chair, please. There are several matters arising from today's sitting. I posed a couple of questions to the clerk for him to convey to the appropriate people, during the course of the discussion with Ms Ecker. I wonder if I could put some other questions forward to be answered, for responses to the committee.

Mr Fenson: Is this for me or for the ministry?

Mr Kormos: I'm addressing it to the Chair.

The Chair: There were a number of questions posed, yes, although I wasn't specific as to which they were and if they were asking the legislative counsel to review or to get back with anything. Do you have some questions that you —

Mr Kormos: Some very specific questions.

The Chair: Proceed.

Mr Kormos: First, Ms Ecker talked about relying upon a survey to indicate the number of people off welfare going to work. Could we please have the details of that survey? What do they call that? The modus operandi of the survey.

Mr David Ramsay (Timiskaming): The process?

Mr Kormos: The process, the structure of the survey, including the questions asked, the number of persons to whom inquiries were made, the geographic distribution of that survey and of course the answers; in other words, the methodology. That was the word. If any of you guys had known it, you would have jumped in, I know. The methodology of the survey and the results of the survey. That's number one.

Second, we have from Mr Fenson's report a figure of 240,000 people as of April 1998, increased to 323,000 people in Ms Ecker's comments today. Could we have (1) verification of those numbers, and (2) how those numbers are arrived at: whether these are hard data or whether it's the result of surveys or the result of estimates.

Third, we had the identification by Ms Ecker in her comments of workfare consisting of three components, and

I'm referring to page 5 of her comments: (1) community participation, which is what we colloquially identify as workfare, (2) employment supports, and (3) employment placement. Whatever the number of people is on workfare, how many of those people are de facto participating in community participation, in what we colloquially refer to as workfare; in other words, being placed with an agency or being placed in a location to participate in this volunteer work? How many are currently, and how many of the gross number who have been or were in that? Similarly, how much of that number of "have been or are" are merely people who have done, let's say, job searches or either of the other two components?

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Fourth, Ms Ecker made strong points about basic education and job-specific skills training. Can we please have the number of so-called workfare recipients, which is basically welfare eligibility, who have received basic education and/or job-specific skills training — and we're not talking now about the community activities, the community placement — the number who are currently involved? I want numbers and, although I appreciate we can't be exhaustive, I would also like an illustration of locations and places where people are getting basic educational upgrading. I have concerns about that, because adult re-education has been gutted in the province. It's gone, finished, it's history.

Fifth, Ms Ecker — and I'm sure her staff are here — very specifically talked about harassment, picketing, boycotting and threats, and then spoke of "several other" modes. I don't know; where I come from, "a couple" means two, "a few" means three, and "several" means more than three. If it were a few, you'd say a few. If it were a couple, you'd say a couple; that means two. She was adamant about there being several other forms but she was equally adamant about not identifying them. I want to do justice to Ms Ecker because she is under such pressure that she can't be expected to know these things off the top of her head, but she wouldn't have said "several others" if she hadn't meant it. She said it, quite frankly, several times.

Mr Ramsay: Meaning four.

Mr Kormos: More than three. So could we have an illustration, please? I trust that the ministry staff may well be involved because they brief Ms Ecker on this sort of stuff. They tell her what to say and how to say it, other than when she deviates from the script. I've got to tell you, she really didn't deviate from the script very much, notwithstanding her comments. She was pretty dead on. So could we have some illustrations of the "several others"?

This comes I think to number six. I'm trying to be helpful.

The Chair: How many more are there? I'm just asking.

Mr Kormos: We've got until 6 o'clock. That's what the time allocation motion says.

Sixth, the statement that "they are now attempting to unionize welfare recipients," on page 1, the third paragraph of her comments, is not only in the text of her

comments but in the script. For the minister to say that, they must have some information, some hard proof. Could we please have the locations we're talking about, which cities, which workfare locations, which unions are engaging in union drives? That's what "unionize welfare recipients" means.

I don't know if you've ever been involved in that. What happens is that workers sign union cards, and that's how you unionize. I know a whole lot of the folks over there on the government side wouldn't understand that, but that's how you do it. That's what unionizing means. Unionizing doesn't mean picketing an agency or the United Way that endorses workfare; unionizing means going out there and signing up members. The minister must have meant it if she said it, because she's a very cautious minister. She wouldn't say it if she didn't have some inside information. So could we please, in response to my question, have the identify of those attempts to unionize welfare recipients? I want the names of the unions. By God, I want their names, I want their locations, I want the workfare placements, the workfare locations where they're trying to unionize workfare recipients.

Finally — and we're getting close to the end; I did make notes — Ms Ecker talked about case workers sitting down with welfare recipients. I've got to do a little preamble to my question here, because the case workers I'm talking to say: "Sit down with a welfare recipient? We're running a sausage factory here. There are so few case workers that we're not able to work with individuals or with families the way we used to," admittedly a good chunk of time ago.

I think this would be very important. Let me put in this way: What kind of caseloads are case workers carrying? In other words, could we identify Niagara region — Niagara region might be among them — and the number of active case workers? I'm not talking about the supervisory staff, the people in management, but the number of active case workers as compared to the number of recipients so we can get some handle on caseloads. It wouldn't be difficult to ascertain.

This isn't something for tomorrow, I appreciate, Mr Fenson, but I'm sure the minister's staff are more than eager to help you. I can see them champing at the bit. Could we have — I know ministry offices keep this kind of data — the amount of time that individual case workers spend with individual clients over the course of, let's say, a one-month payment period, and some illustrations —

Mr Frank Klees (York-Mackenzie): It's a good question.

Mr Kormos: It's an excellent question — and some illustrations from across the province? I don't expect it to be exhaustive because we've got a whole number of jurisdictions.

I'm eager also about — I made a note. She suggests that labour leaders are holding welfare recipients and community agencies hostage.

Mr Ramsay: Where are they being held?

Mr Kormos: Before Stockholm syndrome sets in, before the Patty Hearst thing takes effect —

Interjection.

Mr Kormos: In the ministry staff, can anyone help? Darn it, I know that one of you wrote the speech. Ms Ecker wasn't up until 11:30 in the evening. If worse comes to worst, we could have Charlie Harnick convict these people without a trial for holding others hostage. Why go through the waste and expense?

Mr Klees: You want to represent them.

Mr Kormos: I may well. Harnick's prosecutions haven't been all that fruitful. It's always easy to win one if you get a bad prosecutor. It's when you've got a real crown attorney that it gets tough.

Could I have some reference to where the "hostage" language comes from? I really don't understand that. I've got a feeling about that.

The only other thing is that I've got to confess I find some problems understanding Ms Ecker when she says that this bill really doesn't do anything, because she seems to suggest that her workfare scheme isn't going to go into the private sector; ergo, the people on workfare now are not people who, under the Labour Relations Act, would be entitled to participate in a trade union and collective bargaining. She made reference to the OLRA and the fact that it already covers these situations. Did you hear that, Chair? Did you hear her when she said that? You were paying attention. Did you hear her say that? Seriously.

The Chair: We'll proceed, Mr Kormos, please. Are you getting to your point now? You said it was your final one.

Mr Kormos: I'm putting a question. I think this is darn near the final one.

You heard her talk about how the Labour Relations Act, the OLRA, already covers this situation. Then what the hell are we doing here dealing with Bill 22 if the Labour Relations Act still covers it? I know why we're here: because of Ipperwash. Gentlemen, you know that as well as I do. It's because the government had to displace standing order 124, the inquiry into Ipperwash.

I'm suggesting to you, Chair, and to Mr Fenson that before we proceed much further, I would really like to know how much Bill 22 is simply redundant. The current workfare participants are not people who are eligible to participate in trade unionization because of the Labour Relations Act in any event; which then begs the question — and Mr Agostino may want to speak to that — of why Ms Ecker would be so adamant that this isn't a plan to be pursued into the private sector.

The Chair: Mr Agostino has asked to speak after you.

Mr Kormos: I'm sure he has, and I look forward to hearing what he has to say. Those are my questions, but Mr Agostino may provoke more.

Mr Agostino: I'll be brief, because Mr Kormos has covered most of them. One question I want to go back to, if we could get it answered, is to get a breakdown of how many welfare recipients were involved in programs of all types run by the municipalities across Ontario prior to workfare being implemented; what that number is. I think it would be fairly easy to get from the municipalities across this province. Certainly, if we can get that, I think it would be very helpful in the debate.

The Chair: Seeing no further discussion, we'll call this committee to a close until 1330 of the clock tomorrow.

The committee adjourned at 1650.

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**Standing committee on
administration of justice**

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l'administration de la justice**

Prevention Of Unionization Act
(Ontario Works), 1998

Loi de 1998 visant à empêcher
la syndicalisation
(programme Ontario au travail)



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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
ADMINISTRATION OF JUSTICECOMITÉ PERMANENT DE
L'ADMINISTRATION DE LA JUSTICE

Tuesday 16 June 1998

Mardi 16 juin 1998

*The committee met at 1531 in room 228.*PREVENTION OF UNIONIZATION ACT
(ONTARIO WORKS), 1998LOI DE 1998 VISANT À EMPÊCHER
LA SYNDICALISATION
(PROGRAMME ONTARIO AU TRAVAIL)

Consideration of Bill 22, An Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act, 1997 / Projet de loi 22, Loi visant à empêcher la syndicalisation en ce qui concerne la participation communautaire visée par la Loi de 1997 sur le programme Ontario au travail.

The Chair (Mr Jerry J. Ouellette): I call the standing committee on administration of justice to order.

HAMILTON-WENTWORTH COALITION
FOR SOCIAL JUSTICE

The Chair: I would call the first presenters forward from the Hamilton-Wentworth Coalition for Social Justice. If you could identify yourselves for Hansard. Just in case you were not notified, you have a half an hour for a presentation. In the event that you do not use the full half-hour, the time remaining is divided equally between the three caucuses. You may begin.

Ms Julie Gordon: I'm Julie Gordon from the Hamilton-Wentworth Coalition for Social Justice. On my left here is Professor Roy Adams from McMaster University, and Wendell Fields, who will start off with the first presentation.

Mr Wendell Fields: First off, I'd like to dedicate this presentation to the family of Dudley George. The hearing into what, in my opinion, was the murder of Dudley George by an officer of the OPP under the guidance of the Premier's office was bumped for these Bill 22 hearings.

The present economic system is on the verge of collapse nationally and internationally. The present economic system does not work. The crisis is imminent and certain. The stock market will collapse. The so-called recovery is coming to an end, and the attacks on the vulnerable, the working people, small businesses and large, non-monopoly businesses are only beginning.

When Bill 22, the Prevention of Unionization Act (Ontario Works), 1998, was introduced in the Legislature,

the Minister of Community and Social Services, Ms Ecker, stated that, "Workfare provides them," ie, the participants, "with work skills." This is a curious thing that those who are not to be considered by this government as workers are to gain work skills or the skills of workers.

Many workers and community agencies are members of CUPE, OPSEU and other public sector unions. With workfare participants in these agencies, the unionized jobs may be eliminated or reduced to part-time. They are also faced with Ontario Works participants in community agencies, sort of forming a considered attack on their wages and working conditions. Many community agencies have consistently opposed the government's attempts to have them voluntarily participate in workfare programs, so it's not that unions are intimidating them.

Bill 22 will not divide working people and those on social assistance; rather, it will unite them in opposition to the bill. This bill attacks the rights of all working people to organize for wages and working conditions commensurate with the duties they perform. Why are those for whom the government implements its policies — that is, those businesses that want to be competitive in the global market — afraid of trade unions and other collectives?

In my research on Bill 22, I found in the National Archives of Canada, Department of National Defence papers, a document called Unemployment Relief: Policy and Instructions for the Administration of Unemployed Relief Camp for Single, Homeless and Unemployed Men. Section 353 states:

"The following rules regarding complaints will be observed:

"(a) One of the fundamental and most necessary rules for the administration of unemployed relief camp is to forbid anything bearing the appearance of combination to obtain redress of alleged grievances. Appeals for redress by means of any document bearing the signature of more than one complainant or by organized committees to make a complaint are strictly forbidden."

One must keep in mind that these camps were run under the Department of National Defence.

Section (d) stated that:

"The department will not countenance any step to bring accusations before the tribunal of public opinion, either by speeches or letters inserted in newspapers by men actively employed on relief work. Such proceeding is a glaring violation of the rules and shows a contempt for the properly constituted authority."

The original industrial unions in this country began without being legally recognized. The workers had to first organize and develop their own programs for implementation, and at the same time fight for their legal recognition. Canadians do not have a tradition of meekly submitting, sheeplike, to anti-democratic measures imposed on them. They stand up and fight back to defend their democratic rights, and they fight to ensure that they have a government which guarantees these rights.

Through collective action we will defend their rights, because it is only in this way that we can maintain our human dignity. We will decide for ourselves what these rights are and how we will fight for them. We are law-abiding citizens. For example, it is a crime under our law that those who are vulnerable due to their objective conditions of poverty and their dependence on the state to protect them are targeted for attack. This crime, in my opinion, should be a punishable crime.

We will resist this anti-democratic legislation and, frankly, we will have more respect from the people of Ontario than this government ever will have. You may try to convert us into a totally disorganized force in order to force us to submit to the banks' and industrial owners' dictates, but you'll never be able to succeed, at least not for long. We will assert and affirm our rights to organize into collectives, we will unionize and we will decide this for ourselves. Your anti-human bill will be damned. Our law is not that of the dictates of the rich. Workfare is slavery. We say no to slavery. Workfare is warfare.

I'd like to read into the record the letter from the president of the London and District Labour Council which was used as a pretext for this bill.

"Dear Friends,

"As you are aware, many of you will soon be called upon to make some choices due to the introduction of workfare. Agencies will be offered the opportunity to participate in a Tory forced labour system under the guise of community participation. In this regard, we are writing this letter to make a heartfelt appeal but also to issue a frank warning.

"If you participate in workfare, whatever rationalization you may employ, you are acting as a cop for the Tories. This system will not be voluntary, and you will be called upon to monitor and report on participants. Moreover, the mandatory workfare community placement program that you are being asked to buy into will promote unregulated, inadequate child care for its victims and their children. If you cooperate under this system, you will become a partner in exploitation and an integral part of a setup designed to degrade people. Someone who works with you in order to maintain their assisted income is not a volunteer, but is in fact a forced labourer.

"On the basis of the above considerations, we urge your agency to reject workfare. By all means, continue to offer volunteer positions, but the only way to ensure that this is not a mask for exploitation is to refuse to report on volunteers to any outside body. Any other course, however you try and dress it up, is to do Harris's dirty work for him.

"Because, sadly, there may be some agencies which would place their own immediate needs ahead of the rights of others, we must also issue a clear warning. If anyone comes to us because they are being compelled to perform a so-called volunteer service against their will or because a report by an agency has led to their benefits being interrupted, we will hold that agency responsible. That is to say, we and our community partners will be prepared to use such tactics as picketing at such bodies and will be more than ready to take grievances directly to the funders.

"There can be no excuse for coercing or exploiting people. An agency run on such a basis offers a sad parody of community services. Please reject workfare and work with us to prevent the spread of this vile and abusive system.

"Sincerely

"Rick Witherspoon

"President

"London and District Labour Council."

1540

This was sent to other Ontario labour councils with the note: "Attached is an excellent letter from the London labour council to social service agencies regarding their participation in workfare. This letter was referred to in the Legislature by Janet Ecker when the Harris gang introduced An Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act. It really pissed her off, so you may wish to send a similar letter to the agencies in your area."

Ms Gordon: I'd like to deal with this act first from the standpoint of joining a trade union. This first part here prohibits workfare participants from joining a trade union. The absence of formal unions does not mean that collective resistance will not exist. In the past, informal work groups based on occupation or ethnicity often had confrontations with management. This included low-skilled and highly skilled workers. Although we may not be able to join unions, that does not mean there is not going to be any resistance.

In the 1800s, the steelworkers deferred to the authoritarianism of the shop floor despots because it staved off the likely consequences of any resistance, those being unemployment or poverty for the person and his family. Many steelworkers toiled in an atmosphere of fear: fear of injury in the heat and dust and noise of fire-breathing machines and fear of losing their jobs through insubordination. That fear was mixed with a deep resentment. The workers with the most pride and the most leverage manipulated that resentment into collective resistance.

Welfare recipients may go along with this program for the time being. Many believe that this bill will eventually lead to a job. But when people have finished their six-month stint, they will be disappointed if no job is available. Like the steelworkers in the past, the unemployed workers will be resentful. That resentment can easily be turned into resistance.

The second point: Participants are prohibited to have terms and conditions under which they participate in workfare to be determined through collective bargaining.

Is meaningful participation to be determined by an overworked, stressed-out social worker? How will a workfare client find the employment program best suited for his or her individual needs without any type of collective bargaining? It seems to me that the workfare program is not a practical plan to suit individuals, but merely a tool to discourage the use of the welfare system. At the same time, it is a job absorber rather than a job creator.

What is in store for people on welfare? Once the workfare placements move to the private sector, there will be lots of opportunities to exploit unemployed people and they will be vulnerable at the beginning, just as the steelworkers were, harbouring their resentment.

I'd like to take a quote here from Jeff Rose, the past president of CUPE several years back: "In some places we're moving ahead. In other places we're being forced on the defensive. But we will be around for a long time to come."

The third part here says participants in workfare are prohibited to strike. This last prohibition just puts an injunction in place before the strike takes place. Apparently the Conservative government is aware of the power of a strike. The government is attempting to thwart the unemployed from every angle.

The first step was to dehumanize the poor, setting the stage to justify an abusive program such as workfare.

Back in 1799, the British Parliament passed the Combination Acts banning trade unions and making it illegal for a group of workmen to combine together for purposes relating to employment. To give the act an appearance of fairness, there was a similar ban on employers. However, it was easy for employers to meet socially and make decisions.

They aren't going to prevent workfare people from getting together and talking about things either. In spite of regulations, working people did protest and did resist.

I refuse to be dehumanized by this program. You can take away my rights with your powers, but you cannot take away my pride. I am proud to be a mother. You cannot take away that pride from me by your bills and your laws, because your laws and your bills are meaningless to me. You can do what you want with our lives, but you're not going to take this pride from me. With this pride, I will do whatever I can to fight this government. Thank you.

Mr Roy Adams: Thanks, Julie. I'd also like to thank Julie for inviting me at a late date — just a few hours ago — to be here. I haven't had a whole lot of time to prepare.

Let me say that I'm here today in my capacity as the chair of the steering committee of an organization called the Society for the Promotion of Human Rights in Employment. SPHRE is composed of approximately 300 members or so from countries around the world. Most of us are academics who are experts in international labour law and human rights. Among our members are the chair of the UN's committee on civil and economic rights, the deputy dean of the Wharton business school, who is a member of the ILO's committee on the application of conventions, and several other people prominent in writing

on international human rights and being active in international human rights.

Our organization is very, very concerned about the human rights implications of this act. The language of the act is really very offensive to international human rights norms. The very title, Prevention of Unionization Act, is a direct affront to the clear language of several international documents which proclaim freedom of association and the right to organize and bargain collectively as being fundamental human rights.

In its intent and in its language, the act seems to many of us in the organization to be contrary to Canada's international obligations: Canada is a signatory of a number of these documents I'm referring to, such as the Universal Declaration of Human Rights and the civil and political covenants of the United Nations. Canada is a member of the International Labour Organization, and as such agrees to conform to the constitution of the ILO. The constitution says that every member will agree to promote and respect freedom of association.

Canada is a signatory to the ILO's convention 87 on the right to organize and bargain collectively.

Canada was a participant in the world conference on human rights which led to the Vienna Declaration, which very strongly proclaimed in favour of respect for freedom of association and the right to organize.

There have also been recent declarations in the last few years by organizations that had nothing to do with human rights but have to do with trade, such as the World Trade Organization. An announcement by the ministers of the World Trade Organization in December 1996 affirmed the support of that organization for a set of five basic labour standards which included freedom of association and the right to organize and bargain collectively. That stand by the World Trade Organization was later on affirmed by the trade ministers of the Americas in a meeting in Costa Rica. It was affirmed by the Organisation for Economic Co-operation and Development and it has the support of the International Organization of Employers, which is an international organization that brings together employer associations and federations from countries around the world. The central function of the IOE is to represent employer interests at the International Labour Organization, and it specifically initiated an action within the ILO to give support for the set of five core rights including freedom of association and the right to organize and bargain collectively.

1550

The thing we're concerned about here is that the express language of the act, the very title of the act, "prevention of unionization," sends a signal that the Ontario government is disrespectful of international human rights norms. Not only does that go against Canada's international obligations, we feel, but it also has the effect of weakening the international consensus with respect to human rights. Canada is generally looked at as a world leader in human rights. Other countries generally aspire to have systems and procedures like we have, so what Canada does draws a lot of international attention. If

a Canadian government can introduce a law that so expressly goes against fundamental human rights, this is bound to encourage other governments around the world that don't have as strong a commitment to human rights to go against that consensus too.

As you all know, we have a lot of problems in countries like Nigeria and Indonesia and China. Right now, the main block against those countries engaging in even more blatant human rights violations is the fact that we have an international human rights consensus, something asserted around the world, that all governments of goodwill agree to abide by a certain international code, and countries that act outside of that code are then identified as being international rogue governments that can draw international condemnation. The reason organizations like Amnesty International, for example, can be effective at all is simply because of the existence of this international human rights consensus. If everyone just thumbed their nose at the consensus and said, "We don't care, we'll do whatever we want to do," then Amnesty could have no effect and all the other international groups that work on it could have no effect.

The problem is that what we have in this bill — and I am not speaking to the government's initiative with respect to welfare, with respect to workfare. That is another argument. There's a lot to be said about that, but I'm not saying anything about that here. I'm saying that this small bill, Bill 22, is really an affront to international human rights standards. If you would give this some serious consideration, I think you could see that this is not really essential to anything the government is trying to do, but it is very offensive and scary in terms of what it might lead to. We would ask you to please reconsider this. It's mega-overkill. It gives the wrong message altogether. I'm just at a loss for words to describe it. I see no reason for it. Please consider Canada's international obligations and the moral obligations this country has to lead and what you might be doing with respect to that. That's all I have to say.

The Chair: Thank you very much for your presentation. That allows us two minutes per caucus for questions. We begin with the official opposition.

Mrs Sandra Papatello (Windsor-Sandwich): I apologize that I didn't get your name, sir.

Mr Adams: Roy Adams.

Mrs Papatello: Thank you, Mr Adams. I just wanted to read you two lines from one of the parliamentary assistant's speeches in the House specifically to this bill. You've probably read through Bill 22. I'm assuming from your discussion that you've also read through Bill 142, the actual workfare bill.

First off, he says, "The fact of the matter is that no one in Ontario Works is forced to do anything they choose not to do." That's statement one.

The second statement I'd like to read is: "I'd like to take a moment and clarify some of the misinformation around this program, and that is, as has been suggested, that if someone is on welfare, the right to participate in

union activities is prohibited. The fact of the matter is that anyone can organize or gather in any way they choose."

Having read those two things, is it your interpretation that those statements are an accurate reflection of the two bills that you are familiar with?

Mr Adams: Let me stick with Bill 22, if I could. I've read all the Hansards, and I've read the statements you've mentioned. In my reading of Hansard, the entire thrust is to state that those on workfare are not permitted by this act to organize with respect to the workfare program. That's what has been stated, and it has been stated many times. The statement is that it's okay for those individuals who are on workfare to unionize with respect to something else, if they had a part-time job or what have you. Is that correct? That's my interpretation of what's being alleged.

Mr Frank Klees (York-Mackenzie): Correct.

Mr Jack Carroll (Chatham-Kent): Correct.

Mr Adams: One thing I did is that I requested a document from the International Labour Organization on the jurisprudence of that organization with respect to Convention 87, freedom of association; it has various committees that hear complaints and it has built up a jurisprudence over the years. According to that document, under the commitments that have been given by Canada, the only group it's permissible to exclude from these rights are the military and the police. The commitment of Canada, in signing Convention 87, says that we will not withhold the right to organize from anybody other than the military and the police.

The Chair: We're going to have to move to the next questioner; the third party.

Mr David Christopherson (Hamilton Centre): Thank you all very much, Wendell, and Julie, who, I would point out to members of the Legislature, is very active in our community. She brings the same kind of compassion, passion and emotion that she brings here to all that she does in Hamilton, and she's well known and well respected for the work she does. Roy Adams, being the humble individual he is, just introduced himself as Roy Adams; I want members to be aware that it is Professor Adams, of Hamilton's McMaster University.

I want to mention in my comments that yesterday the minister talked about the fact that the labour movement has been "harassing community agencies," and that's what led to this. Members of the government ought to understand that a large part of the money that comes into the United Way and goes out to community agencies comes from union members, who are actively urged to participate and contribute by their labour leaders. You should be able to appreciate why they consider it such an affront that you would use your workfare program, which does threaten unionized jobs, contrary to what you say — an act like this is just going to provoke the labour movement even further. Quite frankly, I can understand and sympathize with how they feel that way. I can tell you, they don't reach this conclusion easily because they care about these agencies, but there are fundamental principles at stake and the government just refuses to acknowledge that.

1600

The minister went on to say that the welfare system had "ceased to represent the values of mainstream Ontario." I've thought about using this example and I'm going to do it. It seems to me that Governor Wallace, when he stood in front of the university in Alabama, said he was reflecting the views of the mainstream. The reality is that historically he was wrong and you are just as wrong in what you're doing.

I want to ask Julie a question, if I have time permitting. Julie, you talked about the dehumanizing aspect. Can you expand a little on what that means to people who are on social assistance?

The Chair: A very quick response.

Ms Gordon: A quick response? Well, people probably already know how people on welfare have been dehumanized, being called lazy bums, being labelled. To put forth a program, you have to make sure that everybody sees the poor as being lazy and no good, that they're worthless, and then you can do with them whatever you like. You can manipulate people this way, and it's been done before historically.

Mr Christopherson: That's exactly what they're doing. Thank you very much.

The Chair: We move to the government members.

Mr Klees: First of all, let me say to the delegation that if many of the claims you've made here today had a basis in fact, I wouldn't be supporting this bill. I would be on your side and I would be advocating against it.

Professor Adams, you make reference to international obligations that Canada has, moral obligations. I can assure you that those are the very reasons we are bringing forward this act, the workfare program in the province, which has as its underlying thrust a moral obligation to those who don't have a job, who want a job and who need some assistance to get it.

I do commend you, Professor Adams, for the fact that you were not led astray by Ms Papatello when she tried to lift out of the context of Hansard my comments. You fully understood, because you did read Hansard, that this act is specifically related to people who are on the workfare program involved in community participation, and that is all this act is intended to address.

I have a question for the gentleman who referred to his extensive research. I forget the name; forgive me. Your name, sir?

Mr Fields: Wendell Fields.

Mr Klees: Mr Fields, if I could ask you, in the research you've done on this program, how many front-line case workers did you interview about this program?

Mr Fields: My investigation has only started. The program itself is not up and running yet.

Mr Klees: Okay. So you've not interviewed any front-line case workers?

Mr Fields: Not at this point in time.

Mr Klees: How many welfare recipients specifically who are involved in the program have you interviewed?

Mr Fields: I'm a welfare recipient myself. In the course of our picketing of community placements, we've

met Mr Fleming, who has been quoted a few times in the government propaganda. We've spoken to him and he was opposed to being forced into the workfare —

Mr Klees: So one person. You've interviewed one person and you're a welfare recipient.

Mr Fields: No, no. You asked the question; let me finish answering the question.

Mr Klees: Could I ask just ask you what you have been forced to do under this program?

Mr Fields: I've been forced to fight this damned government, even though I don't want to, because I have to have my rights. That's what I've been doing.

Mr Klees: In other words, you have not been forced to do anything under this program. Is that correct?

Mr Fields: First of all, I've been coerced —

Mr Klees: No, just answer the question, please, because we're on the record. We're here to discuss the fact of workfare in Ontario.

Mr Fields: Yes. I've been coerced —

Mr Klees: Have you or have you not been forced —

Mr Fields: This is not a McCarthy hearing, sir.

Mr Klees: Are you willing to answer the question or not?

Mr Fields: When you present a question in that matter, I have just contempt for you and the questions.

Mr Klees: Oh, do you? You have contempt for the truth.

The Chair: Thank you, Mr Klees.

Ms Gordon: Could I say something quickly?

The Chair: Very quickly.

Ms Gordon: We have had the opportunity to give out flyers in front of the welfare offices in Hamilton and we have spoken to people on welfare. It's not a formal thing. We speak to people on the street, we speak to people in drop-in centres, and we have had —

Interjection.

The Chair: Order, please. Thank you very much for your presentation.

Ms Gordon: I'm not finished.

The Chair: I'm afraid we're well past your time. We very much appreciate your coming forward with your time. My job is to ensure that we follow the guidelines I have been given, and I have tried to do so to the best of my ability. We very much appreciate your coming forward with your presentation. Thank you.

I would ask the clerk, do we have any representatives from the Low Income Families Together in the room at this time? No? Is the organization for the Ontario Federation of Labour prepared to present at this time?

Clerk of the Committee (Mr Doug Arnott): Not until later.

The Chair: Okay. Is the Stoney Creek Chamber of Commerce — not at this time. We will call a recess until 4:30, when our next presenter comes forward.

Mrs Papatello: Chair, would that exclude us from hearing from them if they should arrive later today?

The Chair: We'll follow the time constraints to end at 6 o'clock.

Mrs Pupatello: Is there any opportunity to wait five minutes to see if someone comes? That way, they won't miss the chance to present altogether.

The Chair: The next presenter is scheduled for 4:30, so at 4:30 when we come back, if there's a presenter here at that time and the next scheduled one is not prepared, we will take that presenter at that time.

We'll call a recess until 4:30.

The committee recessed from 1606 to 1631.

LOW INCOME FAMILIES TOGETHER

The Chair: Would representatives of Low Income Families Together please come forward and identify yourselves for Hansard before you begin. In case you are unaware, you have half an hour in total; after your presentation, any remaining time is divided equally between the three caucuses.

Ms Josephine Grey: My name's Josephine Grey. I'm the executive director of Low Income Families Together and formerly a recipient of mother's allowance. I came today in part to talk about Bill 22. I find it extraordinary. I guess it deepens what is in Bill 142 around treating people on workfare differently from workers in the workforce.

I'm concerned that within Bill 142 there is a specific exemption to employment standards and a whole host of obvious ways in which people who require income assistance are treated drastically differently from everyone else. This bill adds yet another layer to that discrimination, and it concerns me because there are many, many people already on social assistance who are working, many of whom actually already belong to a union. I'm not sure if that's been taken into consideration by this government, but we are aware of a number of cases where people already belong to a union. It's clear that in any unionized workplace, anyone working within that workplace for any reason ought to be able to belong to that union, and it is a fundamental right in Canada's Constitution.

It is also a right according to the International Covenant of Economic, Social and Cultural Rights. I wanted to raise today the fact that Bill 22, along with the new Social Assistance Reform Act, violates that covenant in a number of ways, particularly in regard to workfare itself but in other ways as well. I won't go into great detail about how, because you have experts and legal minds who can do that for you, but I believe you should direct your legal department to examine the issues in this regard, because you are in violation of the covenant and the Universal Declaration of Human Rights in a number of areas, particularly in regard to work freely chosen. People should be allowed to choose their livelihood.

We see examples of people who are very highly qualified, for instance in computer technology and in other areas, who through the workfare program could be assigned to carry out tasks for six-month periods that are completely inappropriate to their training, their background and effectively prevent them from doing the kind of work they have spent years training to do, and this is a deep concern to us.

In general, it speaks to the whole nature of the Social Assistance Reform Act and the way this government is approaching the issue of people who are unemployed, people who have been affected by the destabilized economy, which is under a great deal of restructuring. It seems as though you are willing to think about the restructuring of the economy and globalization of the economy in one room and at the same time punish the victims of that very same paradigm in another, and I'm very concerned about that.

It's important for you to recognize that in Metro Toronto, what used to be Metro Toronto — for example, the last time there was a survey done, 60% of recipients had a post-secondary education. You're essentially building legislation and laws and policies around assumptions, very narrow assumptions that you have gotten from an ideological approach to a small group of people whom you have made all kinds of myths and stories about, whom you have slandered publicly. You are making laws around these myths you have generated, forgetting that people on welfare are as diverse as society itself. The only people you will not find on welfare are those who are independently wealthy. That's something you have to start to look at.

I'm not going to say very much more, because it has come to my attention that you have accorded a great deal of time to this issue, which is quite extraordinary, given the minimal amount of time that was accorded to a much more important piece of legislation, which was the Social Assistance Reform Act. It is the feeling of many people that you accorded all this time to this rather minor bill — although it's definitely egregious in nature — to avoid having to discuss the Dudley George issue.

I want you to know that it may not seem related, but it is related. The reason it's related is that there seems to be a certain approach to certain people in our society in Ontario that this government takes, where this government feels it's not responsible to the wellbeing or the rights of those people, be they aboriginal people, be they immigrants and refugees, be they people on social assistance. There's a consistent kind of treatment of all these folks.

It's very disturbing, it's very distressing, and it goes to the extent that when there is a clear issue that requires a public inquiry, such as what could be seen as an extrajudicial execution, this government is not willing to examine those issues. To those of us who are part of the community who help to represent those who are disadvantaged in this society, these issues are not that separate. We are very deeply concerned that the Dudley George-Ipperwash case has not been thoroughly examined. We wanted to raise our objections today about that.

In closing, I will remind you that you are in violation of law when it comes to Bill 22. It will be challenged; it will be challenged on many fronts. Our organization intends to participate in that process because it is our duty. You may not consider it your duty to consider the wellbeing of poor people, but it is certainly our duty to do so. It is our mandate, and therefore we will have to be a part of a

process to challenge this law. We hope in the first place that it doesn't become law, but if it does become law, we will certainly be there to challenge it. I hope you rethink it. Thank you very much.

The Chair: Thank you very much for your presentation. That leaves us approximately seven minutes per caucus for questioning. We begin with Mr Kormos.

Mr Peter Kormos (Welland-Thorold): Ms Grey makes mention of the real reason this committee is considering Bill 22. That's because it would have been required to consider a mere 12-hour inquiry into the Premier's and the Premier's office's role in the assassination of Dudley George.

I wonder if I could ask the clerk: How many days were devoted to public hearings for Bill 142, which was the so-called workfare bill?

Clerk of the Committee: I'm sorry, I don't know that.

Mrs Papatello: Four days of travel.

Mr Kormos: Four days of travel —

Mrs Papatello: One day here.

Mr Kormos: And one day in Toronto, so five days.

Ms Grey: And 15 minutes per person, not half an hour.

Mr Kormos: That's right, 15 minutes per person. I wonder if, on behalf of Ms Grey, I might ask the parliamentary assistant why there are eight days of hearings devoted to Bill 22 when there were only five devoted to Bill 142. I think that's appropriate, if Ms Grey consents to me asking on her behalf.

Mr Carroll: As Mr Kormos full well knows, the decisions about the length of time that committees will sit, when they will sit and so on is made, not by the committee, but by the House leaders working together. It certainly wasn't a decision this committee made. A member of his party, a member of the Liberals and a member of the government House leaders sat down and made those decisions. Neither he nor I can explain why that decision was made.

Mr Kormos: But I'm not the parliamentary assistant. That sounds like the Nuremberg defence.

Ms Grey, the other interesting thing about this — and we've asked research to provide us with this, because Bill 22 is about no union, no collective bargaining, no strike. Wayne Samuelson is going to be here next from the Ontario Federation of Labour. He might be helpful, because my understanding is that the Labour Relations Act already precludes those people who are in the current workfare type of positions from ever unionizing, engaging in collective bargaining, because they're not workers *per se*. Is that your sense as well?

1640

Ms Grey: Correct. The Labour Relations Act does contain those provisions, and that is something we will be challenging to the United Nations committee on economic, social and cultural rights. It is an offence, basically, to the rights of people in Ontario to know that if you're in a certain economic circumstance or a certain life circumstance, you are not accorded the rights that other workers are accorded.

You might want to know that these same issues are being challenged in the United States. I know you've gotten a lot of your advice from policy people in the United States, and you should know that it's being challenged there as well, because it's not right. You may not feel that there's any enforceable law that can prevent you from doing it, but I'll tell you that there is a moral law and there is a national commitment and a provincial commitment not to violate people's rights in this fashion. It's about time you guys started thinking about those frameworks and not just what you can get away with.

I also want to mention that in addition to a Labour Relations Act that separates poor people from the rest of the province, there is a whole host of other bits and pieces of legislation this government has introduced and they are all challengeable on that basis.

Mr Kormos: Another interesting thing is that yesterday Ms Ecker was here and the text of her script accurately reflects what she said; I was here. She said: "Let's be clear about the reason. It's the direct result of some labour leaders attempting to sabotage welfare reform," or workfare. I said to Ms Ecker, "Okay, Bill 22 is your message. You're trying to straighten out the labour leaders." I wonder what they're going to do to the social activists, the advocates for the poor, the rabbis, the clergy people, the religious leaders, the spiritual leaders, the people who simply pray together. I wonder what the government is going to do to stop them.

Ms Grey: In fact there is an instrument this government has as its disposal to affect those who are trying to represent the interests of those on social assistance. They can send an enforcement review officer into any location or any site other than a home and seize data from a computer or seize files, interrogate anyone in that organization other than a lawyer in regard to the eligibility of a person on social assistance. This is a very intimidating piece of law that can affect a whole host of organizations, from women's shelters to community counselling to community organizations, and it's very threatening. So there are other instruments besides this one that they've developed for unions. There are a number of instruments which can be used to intimidate those who would try to support people in the community who need to move forward with their lives.

There's another thing that I think needs to be thought about. I have to ask, why is it the standing committee on justice? This is not the committee that we spoke to for social assistance reform. It seems ironic that the standing committee on justice would be dealing with something that should be between whoever is dealing with labour issues and whoever is dealing with social assistance issues. I just find that a little odd. It's a little too convenient. I'm not saying it's this committee's decision to do so. However, those responsible for making this decision might want to answer the question, how indeed is it appropriate to bring this issue in front of this committee?

In my view, of course it's appropriate from the standpoint that this is an injustice and you're the standing committee on justice. That I could see, but I'm sure that wasn't their rationale.

Mr Kormos: You recall that one of the more recent attacks was the modest \$37-a-month allowance for pregnant women, for expectant mothers. Harris is puffing his red neck, his chest, and he's got the old cap on and he's popping the Coors cap and he's telling the good old boys, "Them welfare women, they're just spending that money on beer anyway." Where the hell does that imagery come from, other than his perverted, distorted imagination?

Ms Grey: It's in keeping with the general discriminatory attitude and behaviour, but it's also in violation of article X of the covenant, which says that special protection should be accorded to mothers during a reasonable period before and after childbirth. Every action this government takes towards disadvantaged groups in this society is something that can be challenged, so the standing committee on justice might want to pay attention to that fact.

The Chair: We now move to the government members.

Mr Carroll: Just a couple of things. The bill says "no person shall do any of the following with respect to his or her participation in a community participation activity," so if somebody is already a member of a trade union, that's not a problem. You were concerned about that at the beginning. This only deals with belonging to a union as a result of their participation in workfare, not as a result of anything else they may do. If somebody was a part-time worker and was a member of a trade union, they don't have to give that affiliation up if they happen to come on welfare.

Ms Grey: You're very vulnerable on that point, because that's differential treatment of the same class of people.

Mr Carroll: I'm just trying to set the record straight because you asked the question at the beginning.

Ms Grey: I thank you for clarifying that.

Mr Carroll: There are some other groups, by the way, such as co-op students, who participate in the workplace but are not allowed to unionize. So this is not unique; we're not breaking new ground here.

Just a couple of other issues: Did I hear you say — this was a fascinating comment that I thought I heard you say, but my 55-year-old ears don't always work well — that 60% of the welfare recipients in Metro Toronto have a post-secondary education?

Ms Grey: People surveyed at a certain point — there was a high, high number of immigrants who had post-secondary education. I believe it was in the realm of 60% in Toronto who had a post-secondary education.

Mr Carroll: That's fascinating. I would never have —

Ms Grey: It's just to get you folks to understand that this is not a bunch of illiterate, stupid, meaningless, lazy people.

Mr Carroll: I don't think there's any question that we do think — I just want to set the record straight a little bit too on the \$37, because you kind of take it out of context.

Ms Grey: I didn't raise it.

Mr Carroll: No, Mr Kormos. He took it out of context just a touch. I think. We all know — and I just want to refresh your memory and anybody else's who might be interested — that working poor women do not get a raise if they become pregnant. Women who are on welfare and are pregnant and for some reason or other need some special diet — there is a \$250-per-month allowance that they can apply for if they need a special diet, so that's in there.

The third issue is that if a lady on welfare has a child and she's relying solely on welfare, the day the baby is born she gets a \$457-a-month increase in her welfare allowance. I think we need to tell the whole story when we talk about that \$37, not just isolate that one —

Ms Grey: First of all, sir, this idea that if working poor people don't have something, we should take it away from those on welfare is flawed in the first place. The things accorded to those on welfare because their income is too low should be accorded to anyone whose income is too low.

Second, I think the issue here is not so much the fact that it was removed without another program being available to take its place, but the issue is the discriminatory fashion in which it was carried out. It is the public statements made by the Premier of this province, which would slander those in that position, that I take great offence to. It continues, whether in a slanderous fashion, whether through legislation, whether through 700 pages of policy on how to cut people off — the same attitude, the same paradigm, continues to issue forth from this Legislature towards people on social assistance, and I have a deep objection to that.

What I'm warning this committee of, because it is the standing committee on justice, is that you are in violation of the Universal Declaration of Human Rights. It is the 50th anniversary, and it's going to look awfully funny on you when we report so.

Mr Carroll: You said that you thought people should be allowed to choose their kind of work.

Ms Grey: Absolutely.

Mr Carroll: Should they be allowed to choose whether or not they work?

Ms Grey: Sir, you know what? I have studied social assistance, I've studied workfare, I've studied opportunity planning and I've been involved in the process directly with the Ministry of Community and Social Services since 1986. I can tell you that before your minions removed all the documentation from the library at Comsoc, there was lots of documentation to show that any employment-related program that had ever been started in this province was oversubscribed, which means you couldn't even provide enough opportunities to those seeking work in this province because you didn't have the resources to do so, and you still don't.

The irony is that workfare is not about finding people work. If it was it wouldn't just be six-month placements. It wouldn't be community participation. It would be the kinds of programs that actually get people into a career. I'll tell you as a single parent, there's no six-month

placement on earth that is going to bring about a salary level that could allow me to support my children. Had I not created my own work, which I could never do under the current system, I would not be off the system. You do not allow flexibility, you do not allow choice, you do not allow dignity, and you do not allow people to actually achieve a level of income that can keep them out. If you're not interested in recidivism and you're not interested in past research and in fact, then what you're doing is irresponsible. I'm telling you, the workfare system as you have it is not going to work, it is not fair, and it is violating international law.

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Mr Carroll: Would you suggest that the old system that saw the welfare rolls triple, that saw us end up with one out of every eight people in Ontario, arguably the richest jurisdiction in the world — although we had the highest welfare rates in the province, we had more people per capita on welfare than any other province, including Newfoundland, would you suggest that was a better system than the one we have now, where we've seen 270,000 leave because they were able to find some sort of meaningful work? Would you suggest that was a better system?

Ms Grey: Excuse me. First of all, you have absolutely no evidence as to those people having found meaningful work. You have done a very limited study. It did not mention the fact that many people couldn't even be contacted. Meaningful work was not the outcome for those who couldn't be contacted. I've met many people have gone off the system and on to the street because they didn't have the right idea or whatever it was that was used to cut them off. This is not people coming out into the workforce.

Mr Carroll: Did you like the old system better?

Ms Grey: Second, the tripling in rolls, if you looked at it, had an awful lot to do with the recession and increasing unemployment and decreasing wages. Many, many people, 100,000 single parents, were working while on social assistance. You seem to always forget and ignore that fact. I was one of them.

Mr Carroll: We didn't have a 10-year recession. So you suggest the old system was better, that had one out of every eight people in the province trapped in welfare. You thought that was a better system?

Ms Grey: I suggest you're twisting the question in the most unbelievable fashion. I'm suggesting the old system allowed supplements —

Mr Carroll: Those are facts.

Ms Grey: Facts? I'll tell you the facts. The fact is that you've brought in a system that will not allow people to work while on social assistance. Therefore, they will not be able to be in the workforce and support their families because they will be scaled back until they're cut off. I know, from having worked and been on social assistance with four children, how important that program is. You've destroyed that as well. You're not interested in people working and surviving, okay? If you were, then you would make it easier instead of harder for people.

The Chair: Thank you. We have one more caucus to present.

Mrs Papatello: That last paragraph was a real important one. I think it speaks to the manipulation of statistics at the government's whim to prove a point. The unfortunate part is that they use such useful sound bites for public consumption that people begin to believe those slogans. Unfortunately, the whole slogan of workfare — policy written on the back of a napkin that never had any depth to it whatsoever — landed them in government. One of the basic pillars of their election platform, what actually won it, was that many people who supported other parties voted for the Conservative Party based on that one plank.

The irony today for me is that we're sitting here talking about a workfare program that is completely ineffective, inefficient and simply is not working. After three years of Conservative government rule on a plank they were elected on, they will not even allow us information about what percentage of people on social assistance are in the workfare placement portion, because as you well know, there are various components. The lion's share of people currently on social assistance today are in the same program that has existed for years on Ontario, and a very minuscule portion of those are actually in the program.

As a matter of fact, if I were an entrepreneur, I would fire this lot for the most mismanaged program on the face of the earth; I'd fire the whole bunch of them for being complete bunglers. They have spent countless thousands on advertising this program. They had direct access to the individuals forced into the program, yet they chose, during our hearings in the fall, to launch an advertising campaign telling welfare people, "You're going into workfare." This is the same gang that has direct contact with them. We can only assume, from that kind of behaviour, that this whole program is a political ploy to relay a certain political message that resonates with their core supporters.

What's really interesting about this next one, Bill 22, which we're talking about today, is that this one-page bill was actually devised — last November, we sat in a room like this, one floor down, trying to defeat the bill in clause-by-clause. At one particular section, specifically section 73, their committee fell asleep. One individual was asleep, one was doing correspondence, one was out of the room and one was reading a newspaper. They have a majority on the committee, but with all those voters for the government not being attentive to the vote, the NDP member and I managed to actually defeat one of the clauses. Interestingly enough, that clause was entitled "Community participation" and it was numbered 73. What's very interesting about Bill 22 is that if we look at the one page, it's actually listed as section 73.

No one in the government seems to want to 'fess up to the fact that a minimum of seven hours of debate — when we were filibustering in the House, they said it cost \$100,000 an hour in the House for every hour we were there, so this Bill 22 has already had that seven hours of debate. That's \$700,000 of the same Ontario taxpayers' dollars they're purporting to protect from welfare costs. Here we've spent \$700,000 because one of their members

decided to have a very expensive catnap. They've elected to turn it into a political bill, Bill 22, another slam-labour bill, a one-pager getting more public hearings than the entire Bill 142, which had hundreds of pages and thousands more pages of regulations to follow.

This whole thing has been the continuation of simple political dogma, of policy written on the back of a napkin from Bradgate Arms that they have turned into an entire policy of government. The worst part is that after having spent hundreds of thousands of dollars, mostly on advertising — as a matter of fact, the radio ads alone are showing a \$95,000 fee just to the consultant who drew up the radio ads to promote workfare, which is astonishing to me. That's a lot of beer, in my view.

I want your opinion about this whole political thing, the extraordinary waste of taxpayers' money because we had a sleeping beauty who chose to take a nap at committee.

Ms Grey: Like I said, it's in keeping with everything else, but I want to mention that you can't have an accountable program without an evaluation department, and that was one of the first things eliminated when this government came into power, along with the library with all the research and documentation around how to reform the system, including draft legislation. All that was scrapped, evaluation along with it. There are no evaluation dollars in the workfare program.

If there was a shred of interest in accountability, there would be money for evaluation. There would be ways to monitor the impact of this program change on people. There is none. There is no interest in accountability. There is no interest in fairness. If there was, there would be a just way in which people could appeal if they're cut off. There isn't. There is no interest in effectiveness. If there was, there would be a multiple variety of choices for people to get themselves off the system and stay off. That is my deepest concern. We serve people who are long-term unemployed, and it takes more than a six-month merry-go-round from one placement to the next or stuffing them through job searches when there's not even any transportation to get them into the workforce.

This is not being done. This is not what the program is about. I fully agree with Mrs Papatello. It is all about ideology and a public message, and a very discriminatory, slanderous public message at that.

The Chair: Thank you very much for your presentation. We very much appreciate your coming forward today.

1700

ONTARIO FEDERATION OF LABOUR

The Chair: We now call on members of the Ontario Federation of Labour. If you could come forward and identify yourselves for Hansard before you begin, we would appreciate it. There are 30 minutes allotted to you; at the conclusion of your presentation, any time remaining is divided equally between the three caucuses. You may begin.

Mr Wayne Samuelson: My name is Wayne Samuelson, and I'm president of the Ontario Federation of Labour. With me today are Irene Harris, the executive vice-president of the OFL, and Duncan MacDonald, who is on our staff.

Irene will make some comments, as will I, and then we'll certainly allow some time for questions.

Ms Irene Harris: For those of you who don't know, the Ontario Federation of Labour is the largest labour federation in Canada. We represent 650,000 members from over 40 unions and represent workers in all sectors in all parts of the province.

We want to make an important acknowledgement and note about these hearings: This legislation should not exist. It takes away rights, and its intent was deleted from Bill 142. We shouldn't even have to be here debating this kind of legislation. If we weren't here doing this, we know that this committee could be using this valuable time in memory of Dudley George and holding a legislative committee inquiry into his killing at Ipperwash, but since we are here, here are our comments about Bill 22.

Bill 22 continues the philosophy and record of this government. It doesn't consult. It's showing contempt for the labour movement and people on social assistance. Bill 22 also shows contempt for citizens in our society. We believe the purpose of Bill 22 is to ensure that employer friends of this government are given the access and licence to exploit the conscripted labour of their fellow citizens under the guise of workfare. Groups and individuals subscribing to this view are ignored.

Bill 22 also demonizes the labour movement and the poor. Why do we say this in particular with regard to the labour movement? Bill 22 is the latest attack on the labour movement, on workers and on the poor. The labour movement is an open, democratic institution which fights for social justice. We are up against a government with a closed, authoritarian mentality. Bill 22 is a throwback to the legacy of the Combinations Act passed by the British Parliament in 1800, which saw workers' organizations as illegal conspiracies of trade which interfered with the natural order between master and servant. This bill makes it illegal for a vulnerable group to join a union.

Bill 22 is a further step down the government's road to taking away workers' rights. I'll ask Wayne to elaborate on this in a few minutes.

Apart from the labour side of it, Bill 22 attacks workers' rights and violates the spirit and intent of the Canadian Charter of Rights and Freedoms. Particularly, we ask you to note section 1, the guarantee of rights and freedom; section 2(d), freedom of association; section 7, life, liberty and security of person; and section 15, equality rights. Courts have stopped this government from violating charter rights with other legislation. If it is arrogant enough to proceed with Bill 22, we will join others in the quest to have the courts end the systemic discrimination inherent in this bill.

Bill 22 also violates international conventions. This proposed legislation violates the spirit and intent of international agreements signed by Canada, including the

International Covenant on Economic, Social and Cultural Rights and the International Covenant on the Elimination of All Forms of Racial Discrimination.

Bill 22 violates the spirit and letter of the International Labour Organization's human rights conventions. They have a number of resolutions: one on forced labour, the freedom of association and protection of the right to organize, the right to organize and collective bargaining, equal remuneration, abolition of forced labour, discrimination in employment and occupation, and minimum age. Of these, two — Convention 87, which is the freedom of association and protection of the right to organize, and Convention 98, the right to organize and collective bargaining — form the cornerstone of the ILO's international labour code. Canada was a founding member of the ILO in 1919. Canadian representatives at the ILO are drawn from government, business and labour. Professor Jack Donnelly, from the graduate school of international studies at the University of Denver, had this to say about Bill 22: "This bill is one of the clearest violations of international norms that I have ever seen in a country typically considered to be democratic."

It has long been our policy and view that all workers have the right to organize themselves and to bargain collectively to improve their situation. Workers exercised this right before it was codified in any law. Bill 22 makes it illegal for workers to organize themselves. It throws us back to a time when workers had to organize illegally.

We believe this bill also demonizes the poor. As a society, we believe we have a responsibility to each other. Government is our vehicle to make sure people have quality services. This government has chosen to scapegoat the poor and the needy, even though research on welfare case files show that there is very little fraud in the system. In fact, of all the fraud you've been trying to ferret out, only 0.5% of caseloads were referred to the police. You set up a welfare fraud hotline, and we note that 18,655 calls resulted in only nine convictions, and that's when 600,000 people had to go on welfare because they were in need.

Bill 22 is a throwback to the Elizabethan Poor Law of 1601, which had "deserving" and "undeserving" poor, an attitude that the undeserving poor had to be forced to make a contribution to society. Bill 22 turns people on social assistance into a pool of conscripted labour. It creates a class of second-class citizens forced to work at welfare rates of pay, with no access to union rights, employment standards or health and safety. The OFL's bad boss hotline convinces us that there is a segment of employers willing to exploit workers. Now the government will give these employers the use of conscripted labour through workfare.

We know from the United States that workfare is not what it pretends to be. It doesn't give people on welfare jobs; it forces them to do jobs at welfare rates of pay where others have done those jobs at higher rates of pay. It doesn't create jobs; it deletes paying jobs and gives employers workers who are conscripted labour.

The New York Times exposed New York City's workfare program. In that city, over time they lost 20,000 city jobs and gained 34,000 workfare placements. If fired, people were cut off of welfare. We've heard stories where workfare placements in New York City were required to pick up garbage. One woman talked about being told to pick up a dog carcass which had been rotting on the sidewalk. She didn't have gloves and didn't want to do it because of health concerns, but knew that if she refused she could be fired. That's what this kind of thing does. City workers who were laid off from their jobs, over time, when their unemployment ran out and they ended up on welfare, ended up back in their old jobs once they were getting welfare.

The painters' and carpenters' union in New York saw that people who used to do a job at \$20 an hour were now getting \$3 an hour as workfare placements. The American Federation of State, County and Municipal Employees recently sued New York City and the city has now had to pull 1,400 jobs out of the hospital sector.

This group that you are forcing to work and are now not going to allow to join a union are going to have a lot of serious problems. Coupled with that, there are a lot of workplace issues that they are going to face.

I'll now turn the comments over to Wayne Samuelson.

Mr Samuelson: I can't help but think, as I talk to you about this issue, of what happens to somebody who's on social assistance and ultimately does get a job. Granted, your bill prevents them from unionizing; however, should they go get a job and get off of social assistance, they then feel the blunt of legislation you've introduced in the last couple of weeks, Bill 31. What it does is basically demolish section 11 of the Ontario Labour Relations Act and provide an opportunity for employers to intimidate and fire employees who dare to unionize. As has been the practice of this government, you've done that with little or no consultation.

You know, I was down at Queen's Park last week watching the debate on that particular piece of legislation, and to say I'm disappointed in the people who have been elected to represent us would be an understatement. I sat there in that Legislature and I watched as Tory MPPs joked, made fun, read the paper or slept while a piece of legislation that had the ability to impact indirectly over a million people was being debated. It's a level of arrogance that I have never seen before from any politician, and I spent some time as a politician myself many years ago.

It seems to me that if you have legislation that attacks someone's ability to unionize, whether it's Bill 31 or Bill 22, what you're doing is taking away their ability to increase their wages, their ability to increase their impact in the workplace. While MPPs are joking, sleeping and reading the paper, there are people out there who would dearly love to organize, and they reason they can't is because of your legislative actions.

The reality is that if you're unionized in this province, you're making 140% more than someone who isn't, you're twice as likely to have a pension plan and you're also twice as likely to have a benefits package.

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I must say, as I sat there and watched the grilling of the previous presenter, I thought to myself, can't someone come to their government and present their views without some kind of cross-examination — which, by the way, is probably somewhat fair — but without this sense of arrogance and interruptions from all over the place? I'm pleased to sit here, but frankly, I'm disappointed in what I've seen from this government and how it deals with issues that are so important to so many people in every corner of this province.

The Chair: Thank you very much. That allows us just over five minutes per caucus. We'll begin with the government members.

Mr Carroll: Thank you, Mr Samuelson. I had a chance to share a podium with Irene last night out in Oshawa or Durham. Actually, there were several of us there; almost the whole panel was there.

On page 7 of your report, you quote the definition from Transitions, which you subscribe to: "The objective of social assistance, therefore, must be to ensure that individuals are able to make the transition from dependence to autonomy, and from exclusion on the margins of society to integration within the mainstream of community life." Can you tell me how workfare is at odds with that definition?

Ms Harris: The difficulty, as I think you heard last night from a number of people on welfare assistance, is that there are a lot of things people need: day care, training, and the ability to go and find work. The difference between that and workfare is that what you're doing with workfare is forcing someone to go. It's conscripted labour: "You're going to go and take that job and work at welfare rates." They're not getting a job at a decent wage. You're putting them into a real vicious cycle, and I think we heard some of that last night from people. You heard from one woman who was saying she can't get any child care and yet you're forcing her into a workfare kind of situation.

You've made it a mandatory thing that they go and take some job somewhere and they're not even given the real rate of pay for the job. They're denied workers' rights. Now they're not even going to be allowed to join a union if they want to.

Mr Carroll: We don't disagree that we all have an obligation, you folks in the labour movement and those in government and in faith communities, everybody — to assist people to make that move from exclusion on the margins of society to integration within the mainstream. We all agree that that is a social responsibility we share. Can we agree on that?

Ms Harris: Absolutely. The other thing we've heard from people is that they want meaningful jobs. We've heard from people on welfare who are well educated, who want to work and they can't find the jobs. The jobs aren't available for some of them.

Mr Carroll: But we all agree on — that's the process. That's what we're trying to accomplish for these folks who find themselves — do we all agree? Do you agree with me on that?

Ms Harris: No, I don't believe that's what you're trying to accomplish.

Mr Carroll: No, I'm saying that that's what you would like to see happen, that people move "from exclusion on the margins of society to integration within the mainstream of community life." That's a worthwhile objective, right?

Ms Harris: Yes.

Mr Carroll: So what we're arguing about is the best way to do that. You say that the way we've chosen to do that is not the best way. We say that the way it was happening before — and I made the comment earlier and I made it last night. My God, we surely can't say it that way, where one out of every eight people in this province was trapped in welfare, was working. I really would love to understand this. Wouldn't it be better for you folks, in the role you play in society, to work with us to help people make that transition, and then you'd have more workers to go out and say, "We'd like you to join our trade union"? Is that not a better relationship for us to have?

Ms Harris: There are two things I would ask you to consider based on what you've just said. First, Bill 22 is saying they're not allowed to join a union. That's very clear, what you're saying. Right then and there you're not allowing them to have the rights others share. Second, I really don't understand why you ignore the American examples we have, particularly what's gone on in New York City. What you're doing is that you downsize the public sector, you get rid of jobs with real wages and benefits, and then you force people on welfare to work for those jobs at welfare rates.

People are saying, "I want to have a meaningful job and participate in the workforce, and you don't let me because you're keeping me on welfare and forcing me into jobs," that used to be at one time — in New York they're pointing to city workers who were laid off their own jobs and they come back as workfare recipients. You've chosen that model. That's the problem with this.

Mr Carroll: This is a transition; 17 hours a week of training or participation in the job. It's designed as a transition from a life that nobody wants to a better life. Why wouldn't you work with us and help us accomplish that?

Ms Harris: I think you need to read your legislation, because that's not what you're doing.

Mr Duncan MacDonald: If I could follow up on that for a moment, there's another quote from Transitions on page 9 of our brief: "During the public hearings we heard overwhelming evidence that the vast majority of social assistance recipients would be willing to take advantage of any opportunities provided them to help achieve self-reliance, without being compelled to do so."

The point we're making is there is probably a variety of supports and services, and the previous presentation touched on that. Transitions is a very credible document to quote from, because they went across the province and spent a lot of time talking to a lot of different groups and saying, "What are the problems and what are the solutions to the problems?" What we would say is that if those

kinds of supports are there to assist people to make that transition, that will happen. The problem you have with your program is that you're saying to people, "You will do this," and it's not going to work.

The Chair: I'm sorry to cut you off. We're going to have to move on to the next caucus.

Mrs Papatello: I want to go back to the astounding coincidence, in my view, that the bill's section number is 73 and that the section that was not passed at committee last November due to a certain MPP sleeping at committee, another reading, another doing correspondence, another out of the room — the section did not pass. At that time, the minister said it would have to be reintroduced somehow. In fact, this is the bill. That section is being reintroduced at a cost of a minimum of \$700,000 because of a very expensive catnap. What's interesting is the washing machine process it went through in the meantime, with those whiz kids renaming it into an entire bill, basically another bash-labour bill.

When Mike Harris goes to the chamber of commerce to do his speech, he talks about how they managed to break the back of unions and labour in Ontario. You may or may not agree that they have done that. The truth is, whether it's a senior minister of the crown or the Premier himself, they go to the chambers and business organizations and say, "We brought in legislation and beat down labour." If that's the case — he says it when he's speaking to the chamber — why is it now that it's all your fault that workfare isn't working, so much so that they have to introduce this one-pager and give us eight days of hearings, which is far in excess of what the hundreds of pages of Bill 142 got in the first place?

Mr Samuelson: Let me begin by saying that I certainly agree with you that this government is anything but competent when it comes to their legislative agenda. That has been clear. But what is frankly disgusting is to have a minister of the government stand up in the Legislature and say she's going to introduce legislation for two reasons. The first reason is because someone threatened to unionize. The second reason is because, as she put it, unions are harassing community organizations.

1720

Let's take a look at this. The last time I looked, the right to unionize was a fundamental tenet of democracy and certainly the right to speak out against a government policy was a fundamental tenet of democracy. What I find nothing short of disgusting is that we have a cabinet minister in our government who stands up and attacks those two rights that I think are fundamental, which I'm sure will be found to be fundamental rights at the international level. At the bottom of it all is this disregard for democracy, this disregard for dissent and this overarching desire to do what their friends tell them to do, never mind who it hurts.

Mrs Papatello: Overall, though, after three years of the Conservative government having been elected on the basis of workfare, of making people pay through work for their benefits, after three years it is a complete and dismal failure because the majority of people in the program are

in the same program that's existed for years; a very minuscule portion are actually in work placement.

I have a lot of trouble imagining Buzz Hargrove or you, Mr Samuelson, perched atop the nearest tree with binoculars on in search of a landscape of welfare recipients to organize, because there aren't that many being placed. I am trying to be cute about the example, but the truth is, with everything you're dealing with, I have difficulty understanding that such a failed program, with so few people even being placed in it, would be of that huge an interest, given the agenda of the government, because the program clearly has failed. The numbers simply are not there; after three years of this government that got elected, some might say, just on this platform.

Mr Samuelson: It's clear that we don't spend all our time out there organizing, and we need to spend more. I think what happened was that a few workers in one community actually started to talk about it. A few workers in northern Ontario said, "Let's talk about forming a union." The government's response was to bring in what is being characterized as one of the most anti-democratic pieces of legislation this government has brought in.

Mrs Papatello: You do recognize that this is the same section that the government members themselves slept through. It subsequently cost us a minimum of \$700,000 of House time, and that is an estimate based on what the government accused opposition parties of wasting during filibusters in the House.

The Chair: We move to the third party.

Mr Kormos: Thank you, friends, sisters and brothers. You know, it's weird — if it's not weird, it's sad, it's pathetic, it's downright stupid — that the parliamentary assistant keeps talking about poverty as a social problem. You see, it's not a social problem, it's an economic problem. When they talk about a social problem —

Interjection.

Mr Kormos: Well, you do. When you talk about a social problem, it's the same sort of social problem as squeegee kids. When you see a social problem, you get rid of it. It's the same sort of problem as panhandlers or homelessness. It's that American, New York City-style street sweeping. That sleeping, narcoleptic Tory backbencher is a crime commissioner: Bob Wood, he and his other two stooges. What's remarkable is that these people don't understand that it's an economic problem. It's not a social problem.

I want to give you time to respond, but I recall that during the Bill 142 hearings three young women came to the committee. These people also, I'm confident, don't know who is poor and why people are poor in this province. It's patronizing, the parliamentary assistant when he was trying to sell you on workfare, this transition — this patronizing, stupid, élitist attitude. The parliamentary assistant has never made so much money before in his life and will never make this much money again, I'm sure of that, but all of a sudden he becomes capable of being so élitist.

Interjections.

The Chair: Order, please.

Mr Kormos: I remember the three young women who came to the committee and talked about how they had been in working families, with spouses, with children, middle-class homes, with the mortgages etc, but the bottom fell out.

Mr Samuelson: Excuse me. It's hard to hear when people are —

Mr Kormos: Don't worry about it. They pointed out that the bottom fell out. There were marital breakdowns, there was violence in the family, there were factory shutdowns. They commented on the condescending workfare approach. You know: "We'll teach you nutritional skills. We'll show you 15 different ways to cook chicken." Their response was: "Just give us the frigging chicken so we can feed our kids. We already know how to cook it. We're not stupid. We're not illiterate. We're not dysfunctional. We're poor." You talking about this dating back to the 17th century. You couldn't be more dead-on.

Mr Samuelson: It goes further than that, though. It's not only an elitist attitude; it's also a willingness to listen to and legislate only on behalf of the powerful. That is systematic of this government. Obviously, the debate going on right now around Bill 31 is just another example of not even being willing to consider other opinions, to roll along on some ideological agenda that is causing incredible pain to a lot of people. I just wish people who are legislating would show some sincerity when they actually talk to those who come before them.

A number of years ago I worked with self-help groups of people who were on social assistance. You've got a hard time convincing me that people wouldn't rather be out there working, wouldn't rather be providing for the family and being able to survive. Instead, we penalize them by cutting their services, thinking that somehow there is going to be some magic appearance of all these jobs that people are going to be able to go to.

I agree with your comments, but I'd go a step further to say that it goes beyond an elitist attitude among us in this room, that it actually goes to legislating on behalf of the very powerful and not being willing to listen to those who have real experience in dealing with what it's like to be on social assistance. I just came in at the end of the last presentation. I think it's nothing short of disgusting that when someone comes and talks about their real-life experiences, we don't sit down and listen and take that into account, just the same as we take into account the opinions we receive from the chambers of commerce and others who are powerful.

The Chair: At that, that concludes your time. We very much appreciate your coming forward and having your presentation. Thank you very much.

STONEY CREEK CHAMBER OF COMMERCE

The Chair: We call our last presenter, a member of the Stoney Creek Chamber of Commerce.

Mr Conrad Zurini: My name is Conrad Zurini. I am a small business owner. I co-own a commercial bakery and

restaurant with approximately 60 full- and part-time employees. I also co-manage a real estate office with 50 sales representatives and about eight administrative staff.

Today I am representing the Stoney Creek Chamber of Commerce, which has approximately 200 members with several thousand employees, non-union and unionized employees.

The concept behind the Ontario government's Ontario Works program is admirable, reforming the welfare system to help people get off of welfare and get on with their lives by contributing to society through a job. I firmly believe society has an obligation to support people who need help. I congratulate Premier Mike Harris and his government for living up to that obligation.

I also believe that the Premier has gone beyond that basic commitment by offering people on welfare a hand up, not a handout. He has established a program through Ontario Works that will allow people to gain skills, contacts and the experience to change their lives.

As a small business owner in Stoney Creek, I struggle to maintain my administrative staff because of the tremendous economic growth that the Mike Harris government has brought to Ontario. Every month I am attempting to hire a new employee to fill a vacancy left by someone getting a better job. It is a challenge to find an employee with the skills and attitude to be effective in a fast-paced real estate office or restaurant. It saddens me to think that I struggle to fill job vacancies while thousands in my community and around the province live on welfare. That's why this bill is critical. Government needs to remove barriers for people to get jobs, not create barriers that destroy job opportunities.

1730

The union movement has aggressively taken action to prevent individuals from gaining opportunities to improve their lives. Recently, in the March 25, 1998, Hamilton Spectator, I read that union activists were picketing outside the Living Rock Ministries youth outreach centre in Hamilton. It saddens me that they would protest an organization that needs people to help them deliver their programs.

Yet despite the union pressure, Bob Fleming, an Ontario Works participant, said, "When I was on social assistance, it was degrading. Now I'm doing a service to the community, I'm getting skills, I'm meeting people who might be able to give me a job one day, and I'm getting a reference. There are lots of opportunities for me here."

The article goes on to say:

"Yesterday's protest was just one of many the group has been holding since March 11 at organizations that have workfare workers.

"Fleming shakes his head at the group that says it is picketing on his behalf. 'I don't think it's right to picket this place,' he says. 'Everyone here is a volunteer, and I just feel like a volunteer myself.'"

"Bill Hone, coordinator of Hamilton's workfare program, says it is about giving welfare participants a better chance at getting a job, not about making them pay for what they receive. 'We try to put people in quality

situations that are supportive and will give them the quickest path to employment,' he said."

Bob Fleming should be admired for his commitment to take charge of his own life through Ontario Works. It is shameful that unions would try to deny anyone that opportunity for hope.

According to the article, in one year of running the program, 250 Hamilton welfare recipients have participated in workfare and 25% of them now have work. Where would 25% of the participants be if Ontario Works did not exist? Most likely still on welfare versus having the self-confidence of having a job.

Yet even as recently as the June 14 Toronto Sun article, another story is told of a union demonstration protesting St Michael's Hospital even considering offering two individuals an Ontario Works opportunity for computer and clerical training.

The provisions of this bill are needed to give people hope. The bill is needed to encourage individuals to improve their lives with skills and experience to get the first job that could turn into a career. Ontario Works participants will still be protected under the health and safety protection and under the Workplace Safety and Insurance Act, 1997, and the Occupational Health and Safety Act.

They will not have an opportunity to join a union or strike. What they will have is the opportunity to create a better future for themselves.

The Chair: Thank you very much. That affords us a little over six minutes per caucus. We begin with the official opposition.

Mr Bruce Crozier (Essex South): Good afternoon and thanks for your presentation. You said at the outset that you represent the Stoney Creek Chamber of Commerce. Would that mean that by some sort of resolution or motion, and you gave pretty unequivocal support for this bill, that the chamber of commerce has endorsed Bill 22?

Mr Zurini: Yes, the chamber has.

Mr Crozier: Okay. I just wanted to clarify that.

Mrs Papatello: Thank you, Mr Zurini. I wondered when you were called to come and speak today if you were made aware by the government members that this section 73 is actually the clause that was not passed at committee last November, which was also clause 73. Interestingly it's again 73. It's the subsection that the committee members slept through. Sleeping through that clause necessitated the introduction of this bill for the clause that they missed.

My question is, were you told specifically —

Mr Klees: On a point of order, Mr Chairman: I wonder if you know that the member is repeating herself?

The Chair: That's fine. I don't believe that's a point of order. We will continue.

Mrs Papatello: Were you, at minimum, told that that section, despite what it has been called and all, is actually the clause that they slept through, that has now cost the taxpayers, who I know you're concerned about specifically, an additional \$700,000 because the government members did not pass it like they were supposed to, had

they been awake at committee? Were you at least apprised of that fact?

Mr Zurini: As a matter of fact, the first time I heard of it was through your words earlier. I've been sitting through the other submissions. That's all I've ever heard of 73. All I know is that I was a volunteer at one time. I still do volunteer. My first job was after I had volunteer experience, and I think what the government is doing in this instance is very admirable. I commend them for that.

Mrs Papatello: Can I ask you too — the interesting thing about government expenditure, as a business person running business affairs, if you knew that the government was spending millions of dollars on a program and, after three years, the government in effect had a program that worked for maybe 1% of the recipients, would you say that was an efficient use of government money? Just from a business perspective, the investment for the return, would you suggest that that was wise?

Mr Zurini: Coming from a business background, obviously there are winners and there are losers. However, there's a goal and achieving a goal —

Mrs Papatello: No, I'm asking specifically about an investment of money that's so much for a result that's so little. As a business person you'd have to question the efficacy of the management of the program, would you not?

Mr Zurini: Just by these hearings and when I've heard this question three or four times over and over again and this kind of time-wasting, obviously, in terms of this bill, I can see that there are other factors that could affect something like this. It's not just a matter of —

Mrs Papatello: You realize that no opposition member requested eight days of hearings on this bill. You are aware of that?

Mr Zurini: I heard that today.

Mrs Papatello: It was the government that insisted on doing that at a huge expense to the people you represent, namely, taxpayers. Were you aware of that?

Mr Zurini: I was not aware until I came here today.

Mrs Papatello: Thank you, sir.

Mr Kormos: Thank you, Mr Zurini. It was a government motion that set the eight days. It was the time allocation motion.

Mrs Papatello: You think we wasted time with this bill.

Mr Kormos: Anyway, real estate is too expensive in Stoney Creek. I can't afford it. Is the restaurant a bakery?

Mr Zurini: Yes.

Mr Kormos: Which one?

Mr Zurini: It's called Paesano Bakery, on the highway.

Mr Kormos: The bakery with the big red —

Mr Zurini: Yes, that's right. Exactly.

Mr Kormos: I've been there in the summertime. It was super. Excellent.

Mr Zurini: Thank you.

Mr Kormos: Yes, pasta and the bakery on the side. Love it.

Mr Zurini: Is that your question?

Mr Kormos: No, put it on Hansard. Paesano's?

Mr Zurini: Yes.

Mr Kormos: What address?

Mr Zurini: 357 Highway 8.

Mr Kormos: Great. No, it really is. I was there in the summertime with a friend from BC. We were up at the Stoney Creek monument because he's a history war buff, and we just went there because it looked like there were a lot of cars. That's why we went there. But it was great.

Mr Zurini: Thank you.

Mr Kormos: Thanks.

Mr Carroll: I just want a quick question. Mr Zurini, I want to set the record straight just a touch for you. Mrs Pupatello is only telling part of the story about why we are here. I thought I may as well fill you in on the rest of the story.

There's no question that this section was part of the original Bill 142. In the clause-by-clause analysis, due to issues that were beyond our control, the vote didn't happen properly. Immediately, though, that the vote wasn't taken, the vote was passed. The opposition members, including Mrs Pupatello, had an opportunity to allow us to vote again on the section and they refused to allow us to vote again. For that reason, because of Mrs Pupatello, that's why we are in fact here —

Mrs Pupatello: I think you should have told the other part of the story.

The Chair: Order, please.

Mr Carroll: It's also interesting that Mrs Pupatello would make comments about this particular waste of money, which she is very much a party to, when her party had us captive for 11 days in the Legislature over nothing back in 1995. That was the same party that did that.

Mrs Pupatello: Those poor majority members.

The Chair: Order, please.

Mr Carroll: You know what would really be interesting to know in this whole process —

Mrs Pupatello: It was \$700,000 for nothing.

The Chair: Order, please. Mrs Pupatello, please. I've called the government members to order on a number of occasions. I would ask you to do the same.

Mr Carroll: We certainly understand where Mr Kormos and his party are coming from. We know exactly where they're coming from.

Mrs Pupatello: I did not waste the taxpayers' money.

Mr Carroll: We certainly understand where we're coming from. I would like to give the rest of my time to Mrs Pupatello —

Mrs Pupatello: Oh, here we go. I am not into wasting taxpayers' money.

The Chair: Order, please.

Mrs Pupatello: I am hardly going to sit here and let him tell lies to people.

The Chair: Mrs Pupatello, please.

Interjections.

The Chair: Order, please. Mrs Pupatello, please come to order. Please, I'm asking you.

Mr R. Gary Stewart (Peterborough): On a point of order, Chair: What she is suggesting, that the parliament-

ary assistant is telling lies, that is very unparliamentary in this thing. I suggest that she apologize for it.

The Chair: I would ask that if that did take place, you would withdraw, please. I'm afraid I did not hear during the interjections if that did take place. If those comments were made, they are unparliamentary. I would ask you —

Mrs Pupatello: I am suggesting that he has not been told the whole truth.

The Chair: I was just asking you a simple question: If you did imply that the parliamentary assistant was lying, then I would ask you to withdraw that.

Mrs Pupatello: I did imply the parliamentary assistant was lying. I withdraw.

Mr Carroll: It would be interesting in the short time that's left —

Interjections.

Mr Carroll: I would like to give the rest of my little time, this last two minutes, to Mrs Pupatello to have her tell you definitively whether she believes that people on workfare should be allowed to join a union.

Mrs Pupatello: How much time do I have, Chair?

Mr Carroll: I'd like to know what her position is.

Mrs Pupatello: Chair, how much time do I have for that?

The Chair: Two minutes.

Mrs Pupatello: Thank you. Mr Zurini, let me be very clear. When I see a government that was elected on a platform of creating workfare for people and, after three years of Conservative rule, has in fact placed a very minuscule percentage of people in workfare, which is actually what got them elected, I disagree with that.

Mr Carroll: Should they join the union, Mrs Pupatello?

Mrs Pupatello: Having said that, once you realize that they spent hundreds of thousands of dollars, not of the Conservative Party's money but of the government ministry money, in order to —

Mr Klees: On a point of order, Chair: Can you shut it up?

Mrs Pupatello: I object to that.

The Chair: Ms Pupatello —

Mrs Pupatello: If this speaker —

Interjections.

The Chair: Please. Order, please. I would ask you to come to order, please. We had a point of order come forward.

Mrs Pupatello: You gave me the floor.

The Chair: That's right, Ms Pupatello, I did give you the floor. Now I'm asking you to come to order. Mr Klees has the floor.

Mr Klees: If you'd keep quiet, I might get to my point of order.

Mrs Pupatello: Your points of orders are completely irrelevant.

Mr Carroll: What a piece of work you are.

The Chair: Order, please. Hang on, Mr Klees has the floor.

Interjections.

The Chair: Can we please get through this.

Mr Klees: We are in the time that is allocated to, I believe, the government side.

The Chair: Yes, we are.

Mr Klees: As a member of this committee, I would like to take back our time so that we could address this issue. I'm asking for time.

Mr Kormos: It's not yours to give away.

Mrs Papatello: I think that would be mine to give you.

Mr Klees: Absolutely not.

Mrs Papatello: I don't think that is appropriate.

The Chair: I don't believe that's a point of order. However, we have another point of order. Mr Crozier has a point of order as well.

Mr Crozier: I've withdrawn mine.

Mr Kormos: On a point of order, Chair: Mr Klees may not have had a point of order, but it was really very silly.

The Chair: We are well past the time allotted to the government members.

Mrs Papatello: That was allotted to me.

The Chair: We thank you very much for your presentation today.

This concludes today's hearings. We meet again on Monday at 1530.

The committee adjourned at 1744.

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(Hansard)**

Monday 22 June 1998

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(Hansard)**

Lundi 22 juin 1998

**Standing committee on
administration of justice**

Prevention Of Unionization Act
(Ontario Works), 1998

**Comité permanent de
l'administration de la justice**

Loi de 1998 visant à empêcher
la syndicalisation
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
ADMINISTRATION OF JUSTICE

Monday 22 June 1998

*The committee met at 1600 in room 228.*PREVENTION OF UNIONIZATION ACT
(ONTARIO WORKS), 1998LOI DE 1998 VISANT À EMPÊCHER
LA SYNDICALISATION
(PROGRAMME ONTARIO AU TRAVAIL)

Consideration of Bill 22, An Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act, 1997 / Projet de loi 22, Loi visant à empêcher la syndicalisation en ce qui concerne la participation communautaire visée par la Loi de 1997 sur le programme Ontario au travail.

CANADIAN UNION OF
PUBLIC EMPLOYEES

The Chair (Mr Jerry J. Ouellette): I call the standing committee on administration of justice to order. We're here to listen to presentations on Bill 22.

We call our first presenters, the Canadian Union of Public Employees. If you could come forward and identify yourselves for Hansard, we would appreciate it. Just so you know, there's a total of 30 minutes in presentation time. At the conclusion of your presentation, any time remaining is divided equally between the three caucuses. You may begin.

Mr Peter Paulekatt: My name is Peter Paulekatt. I'm the chairperson of the social services coordinating committee for CUPE Ontario. With me is Ian Thompson. He's the national representative with the Canadian Union of Public Employees.

I'd like to say that we're pleased to have the opportunity to do a presentation to the committee today on the Prevention of Unionization Act.

A little bit about the social services coordinating committee as a jurisdiction: We represent workers who work with the vulnerable in our society. Our committee represents workers who work in workplaces such as children's aid societies, associations for community living, child care centres, municipal social service programs and a whole variety of community social service agencies which provide support for the disadvantaged in our society. Our committee represents nearly 14,000 of those workers in Ontario.

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE
L'ADMINISTRATION DE LA JUSTICE

Lundi 22 juin 1998

We have to begin by saying that, in our view, this act is a fraud and these hearings are, by implication, fraudulent in nature. The act purports to correct a situation that was created during the course of the passage of Bill 142, the Ontario Works Act. In that act, there were sections which attempted to limit the rights of workfare participants to what most of us would deem to be normal protections in the workplace. However, during the course of debate, some of the government backbenchers, in an act that can only be described as one of the greatest acts of Gandhian passive resistance in recent memory, declined to vote in support of that particular section of the act. That exempted workfare participants from normal legislative protections under the Labour Relations Act and related legislation. Clearly, the odiousness of the bill offended even them. Why, then, the reintroduction of the section that exempted workfare participants from the right to join unions, we ask?

It must be noted that at this time not one workfare participant has been unionized. Perhaps it is the absence of unionized workfare participants that is causing the government concern; the bill is simply an attempt to flag the availability and desirability of unionization and, in due time, they will withdraw the bill, smile gleefully, announce that it was just a joke to get people's attention and a little bit of media for themselves and move on to some more creative social policy legislation.

On a more serious note, it may simply be to mask the fact that the community placement portion of Ontario Works, workfare, has been a complete failure and the government has a need to blame someone else for the failure of one of the cornerstones of the Common Sense Lie. To date, there have been fewer than 1,000 community placements. In some communities, Ontario Works participants are being asked to self-declare voluntary placements which will then count as the fulfilment of their Ontario Works obligations. This obviously shows the lack of a need for a mandatory and punitive program of workfare and paints a dramatically different picture from the Premier's picture of beer-swilling, cigarette-smoking pregnant moms.

We recognize that most welfare recipients want meaningful work that leads to long-term career employment opportunities. Workfare simply is not a means to achieve that. The minister, in her comments to this committee, said, and I quote: "People on welfare want to work. They want to become self-sufficient. Until recently, the welfare

system did not provide them with the kinds of practical assistance to achieve the objective." We agree with this statement. Where our view differs from the minister's is that the failure of the system to provide practical assistance for welfare recipients to obtain employment has more to do with the lack of supports provided for in the program than the rules of the program. Rather than correcting the resource problem or the employment situation, the minister seems to think that some impractical edict in the tradition of Marie Antoinette's "Let them eat cake" will solve the problem.

Why, then, these hearings? I understand that they are scheduled for some eight days, which by our recollection is a more substantive amount of hearing time than accorded to any other piece of recent government legislation. In fact, other significant attacks on the rights of unionized workers were not afforded any public consultation at all. Why eight days for a bill of such a few short pages?

Again we can only speculate. It would appear, however, that the government intends to use this opportunity to attempt to demonize unions, CUPE in particular. This is obvious in the minister's address to this committee where she cites our opposition to the program no less than three separate times.

It is also clear from her remarks that she has no substantive objection to workfare participants being unionized, except the continued active opposition of unions to the program and the need of her government to silence opposition to the program. It would appear that the government needs to stifle opposition and pound anyone who stands in opposition to its policies into the ground.

Workfare has failed because of a widespread opposition in local communities and because of a large coalition of union, community agencies and welfare recipients who have banded together and convinced the community to reject this program.

Third, apparently and sadly, we must suggest that one of the reasons for these hearings is to prevent a public inquiry into the shooting of Dudley George at Ipperwash Provincial Park and the government's involvement in this situation.

Clearly, then, this is an action in an attempt to pervert the democratic process to prevent a public examination of their actions in that situation. One can only wonder what they are hiding so desperately that they would give people like us a platform on which to speak for half an hour when their tradition has been to go to extraordinary lengths to keep us silenced.

I would like to speak substantively on the content of the bill itself. The bill is repugnant in its total application and should be withdrawn in its totality. It flies directly in the face of rights of freedom of association and rights of equal treatment under the law that most of us take for granted. It demonizes and stigmatizes the poor in completely unnecessary ways.

Second, it and the government misunderstand in a very fundamental way one of the principal benefits of unionization, that is, the right to have a say in the workplace

about the way it is operated, the way you are treated and the conditions under which you work. Unions provide that fundamental benefit and a protection for the people who exercise those rights. That group of people has brought into the workplace improved health and safety, equal treatment for women and men, and some measure of equality for people of colour, first nations peoples and gay and lesbian workers. Those same unions have brought reduced hours of work, sick pay and better vacation provisions.

Workplace democracy is a right that is protected and nourished by unions. Why would this government want to deny it to some of the poorest and most downtrodden of our citizens? Again I must ask, is this a way to stifle opposition to the program and to silence potential advocates for workfare participants?

The government may say that they have adequate protections built into the Ontario Works program guidelines. We know from our observations in the community that this is not true.

Despite having guidelines which suggest that workfare participants not do work that had previously been done as paid employment within the past two years, we know from some of the few examples of workfare placements that in fact they have not followed their own guidelines. In Cornwall, for example, we have had workfare placements replace student jobs at a local marina, replace workers who had worked for a local recycling company and replace a receptionist at a local social service agency.

It has been difficult to monitor workfare placements because of the virtual total secrecy surrounding the placements and the government's propensity to mislead the public by only releasing aggregate data of the total Ontario Works recipients. One of the encouraging things has been that the program has been greeted with such repugnance by the community that in several areas large numbers of social and community agencies have passed resolutions at their board level indicating that they will not accept any workfare placements.

We want to turn now to the recipients themselves. The government has chosen to expand the workfare component of Ontario Works to include some of the most vulnerable people in the program, specifically single parents. While all the clients of the program are vulnerable, this group has a particular vulnerability because of their need to support their children. This makes them particularly vulnerable to the exploitation of unscrupulous employers who now hold the lives of their children, as well as their lives, in the palms of their hands. It is true that there exist some appeal mechanisms and some protections, but these are clearly inadequate and not sufficiently calming to ease the minds of potential victims. Case workers responsible for monitoring these cases are badly overworked and carry extraordinary workloads. We notice that the appeal process is in flux, with changes to the Social Assistance Review Board. We do have great concern about the vulnerability of these people.

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We in CUPE have been conducting a series of public hearings around the province, entitled Making Children a Priority. During the course of these hearings we have heard from many of the potential single-parent victims of the workfare program. This dialogue has reinforced for us the risk that these parents are at under the new Ontario Works program.

I would like to share with you a few anecdotes from the forums that may bring this message home to you. We heard from a single-parent father how, at the end of each month, he has to choose whether to buy food or to do laundry for himself and his daughter. He also told us how when he chooses the prime imperative — buying food — he has had the children's aid society called because his daughter is wearing dirty clothes. Putting aside for a moment all of the horrendous implications of the program's inadequacy for this family, do you really think this man will be in a position to complain about a dangerous or exploitive employer and risk being cut off of assistance for himself and his daughter while he fights through the process?

We heard from a food bank in Thunder Bay that is feeding 220 children four meals a month to allow their parents to stretch their inadequate incomes to simply feed their children. Realize also that this is only one of a number of food banks in Thunder Bay and that the total population of Thunder Bay is only about 120,000 people. Do you honestly believe these parents will risk the health and wellbeing of their children to complain about an employer who sexually harasses them or an employer who ignores basic health and safety rules?

We heard from a soup kitchen in Sault Ste Marie that is feeding 200 children daily; again, the population of Sault Ste Marie is only about 80,000 people. We also heard of drugstores in that community that have put signs above their displays of baby formula saying, "Theft is a crime and you will be prosecuted." Does the government realize the stress and anxiety caused by the inadequacy of their income supplement program? Does it realize the additional stress caused by forcing welfare recipients into dead-end, make-work projects such as this? Do they care?

The minister has often been heard to say that since her party came into power the welfare rolls have dropped by over 100,000 people, but can she tell us where those people have gone, or is it safe for us to conclude that the stories about abject poverty and the immense desperation we have heard during the course of our forums in Windsor, Kingston, Toronto, Thunder Bay, Sault Ste Marie and Hamilton represent the truth about the decline?

The minister mentioned in her remarks to this committee that the problem with previous programs of social assistance was that they were "excessively generous." We say, shame on her. Her approach seems to force people to the edge of desperation, force them to live on the streets, force them and their children to go hungry, and when they complain, to attack them with legislation that takes away basic and fundamental rights. Her government has gone

even further to capitalize on the worst stereotypes for shallow political gains.

Unionization, or the potential for unionization, would be an effective monitor on the behaviour of employers who accept workfare placements. It would guarantee workfare participants access to trained and effective advocates. It would ensure that they had a say in their workplaces about issues like sexual harassment, health and safety, and other essential conditions of the workplace. It would ensure that they have a small modicum of protection. It is perhaps because of this government's fear of effective opposition that they need this bill. They need to silence the opposition so they can continue to run roughshod over the rights of the poor of this province.

A bill — this bill — which takes away even that small potential for protection is odious in conception and repugnant in its design and should be rejected in its totality by this Legislature and by this committee. In a democratic society, all attacks on democracy, democratic rights and institutions should be resisted with great vigour.

We do feel, however, that there are alternatives. We are in favour of policies that encourage the creation of decently paid and relatively secure jobs. We are in favour of voluntary, publicly delivered educational and training programs to assist people to get these jobs. There were waiting lists under previous government programs that assisted people to find employment. We see the provision of a high-quality, publicly regulated child care system as a condition to helping people join the workforce.

CUPE, the Ontario Social Safety Network and other groups have recommended that any programs must be governed by certain principles, including the following: People must not be forced to take part in such programs; training should be paid and work expenses should be recovered, including clothing and transportation costs; good child care must be provided; any training must be useful; mentoring and training that can lead to genuine employment should be part of any program; programs must not eliminate jobs or potential jobs; people working in programs must be paid a fair living wage; participants should be covered by labour legislation, including employment standards, health and safety, workers' compensation and human rights laws; people who lose their benefits must be able to appeal to an independent tribunal; programs should not be started unless resources are available to do them properly.

If there are any questions, Ian Thompson will be pleased to field them.

The Chair: Thank you very much for your presentation. That affords us approximately four minutes per caucus. We begin with the official opposition.

Mrs Sandra Pupatello (Windsor-Sandwich): Thanks for your presentation today. I'm curious to know where you were able to come up with the figure on page 3: "To date there have been fewer than 1,000 community placements." How were you able to obtain that information?

Mr Ian Thompson: In CUPE we represent almost all of the municipal delivery sites provincially and we've been running an informal survey of our membership for

about the past six to eight months, to monitor. We can't swear that it is absolutely accurate, but we're quite confident that the people who are on the ground delivering the program know exactly what's happening, and that's the information they're giving back to us.

Mrs Pupatello: Would that include those from local areas who are placed in what some are calling, "Well, it's not really workfare, but it's as close to workfare as we're prepared to get and we're placing them there," in communities that are running programs like that? Is that included in the 1,000?

Mr Thompson: That figure includes people who are forced into a community placement, as opposed to people who are registered or people who have substituted voluntary self-directed placements for their obligations under workfare.

Mrs Pupatello: So that does include their self-directed voluntary placements?

Mr Thompson: Yes.

Mrs Pupatello: I just wanted your comment on the purpose of this bill coming to this committee. You had a very interesting take on what happened at committee last November when the government members neglected to vote on a certain subsection, namely number 73, which is now number 73 in this Bill 22. We submit that using the same government figure of \$100,000 per hour for debate in the House, the government's wasted about seven hours or \$700,000, not including committee time and all of the travel time etc. We're looking at closer to \$1 million in costs because of a nap, essentially, at committee last November.

I'm looking for your opinion. We in opposition have often been accused of wasting the money and time of taxpayers. I find it incredible that the government members have not stepped forward and said, "Yes, this was our fault. We fell asleep. We didn't pass the subsection," and have turned instead to make this another union-bashing bill to take around Ontario.

Mr Thompson: I think it's interesting. Somewhat tongue in cheek, obviously, we've taken a lighter approach to Mr Wood's behaviour. To be fair to him, we weren't in the House and didn't see whether he was sleeping or not. Maybe he just enjoyed the opportunity to resist a bad piece of legislation. Maybe that's too optimistic. Clearly, the cost of hearings like this, when there is no intention to make any serious change in the act — to schedule, as I understand, eight days is a horrendous cost to the taxpayer. It seems, given the title of the act, particularly directed at stigmatizing unions. The Prevention of Unionization Act is an astounding title for an act. You don't even see acts like that in Third World countries that have repressive governments that make concerted attacks on unions.

The other thing — and I think it's very real — is that I understand that had these committee hearings not taken place, a standing order of the House would have required this committee to hear testimony about Dudley George. That family deserves a hearing, and to pervert that by

some legislative gamesmanship, which is what's happened, is really shocking and quite disgusting.

1620

Mr Peter Kormos (Welland-Thorold): You should also know that a similar standing order 124 request was put to the standing committee on social development, which heard Bill 142, before which this bill would be more appropriately put because this is an amendment to Bill 142. That required the Chair to call a subcommittee meeting. Of course, members of the subcommittee are members of their respective caucuses. We're all paid to do our job here and we do them, one would like to think, as best we can in our own respective ways, but to subvert a consideration of that standing order 124 request, the Conservative member of the subcommittee simply refused to attend or have an alternate appointed.

His laziness, his slothfulness, his indifference regarding parliamentary tradition, his disdain for the George family, his eagerness to suck up to the Premier and cover the Premier's ass on the issue of the Dudley George shooting — and obviously following marching orders, that Tory member of the standing committee on social development simply refused to show up or appoint an alternate, which you can do and which we've all done from time to time in the normal course. By doing that, he knew that the subcommittee then couldn't consider the request. That person is the most despicable form of so-called parliamentarian that could ever exist. To abdicate his responsibilities to subvert an individual member's right, as was our right under standing order 124 — I suppose you want to know who that member of that subcommittee was.

Mr Thompson: That would be very interesting to know.

Mr Kormos: I'm told it was Jack Carroll.

Mr David Christopherson (Hamilton Centre): Thanks for an excellent presentation. Obviously, you've taken a lot of time to look at what's going on in this bill.

I don't know what Mr Boushy's laughing about over there.

Interjection.

Mr Christopherson: Maybe that's it.

It was an excellent presentation. I particularly like the idea that you've analysed why they are doing this. I think too that we should look at why they didn't play games with the name of this bill. In the past, when they were doing something awful to people, they've always called it something else. When they've attacked unions in the past they'd say they were improving labour relations for workers. They had no compunction about that sort of misleading titling. This time they come right out and say, An Act to Prevent Unionization with respect to Community Participation. You've got to wonder if what's really going on here, and another reason there's eight days, is that they like this messaging. They want to get it out there that they're going after welfare people.

Remember what the ads were like in the last election when they came out and made them a target, scapegoating that group? I wonder if they're not just delighted that all of this is happening because again they're planning to scape-

goat people on social assistance in the next election. It's the only thing I can think of.

In that regard, I hope you'll allow me this. I'd like to ask the parliamentary assistant whether it's the position of the government that, having passed this bill, no one on workfare would be able to join a union, period, under the Constitution.

Mr Jack Carroll (Chatham-Kent): The bill clearly outlines that the prohibition about joining a union only relates to their activities regarding Ontario Works. If they are members of a union for some other reason, that's not an issue.

Mr Christopherson: No, I understand that. But the bill basically exempts workfare participants from anything under the LRA. I'm asking you, in light of that, is it the government's position — I'm asking for the government's position, not yours personally — that in defending in front of the Supreme Court of Canada, if it ever came to that, is the government contending that no one has the right to join a union, period, under the Constitution if they participate in workfare?

Mr Carroll: As you ask the question to me, I would say no.

Mr Christopherson: No what? No, they're not prevented from joining a union under the Constitution?

The Chair: Thank you, Mr Christopherson. We need to move on to the government members.

Mr Christopherson: Chair, if that's true, then this is all just feeding into hate literature. All you're doing is promoting hate.

The Chair: Order, please. Thank you, Mr Christopherson. We move to the government members.

Mr Frank Klees (York-Mackenzie): Thank you. I find the presentation interesting. I came this morning from York region and at another function I was approached by a Mr Dick Illingworth, who is a journalist. Certainly not known to be a proponent of our government, he approached me and said that he had just finished doing an interview for Shaw Cable on the workfare program in York region. Following his interview of workers and the social services director there, he was able to report that as a result of the workfare program in York region, which really has only been functioning for a matter now of about five months officially, I believe, more than 1,000 people had been moved through that program and had found jobs. These are 1,000 people who were welfare recipients who today have jobs as a result of that.

I find it interesting when I read your submission that it's full of claims of the disastrous results of this program. I have a question for you. On page 6 at the top, the very first line says, "During the course of these hearings we have heard from many of the potential single-parent victims of the workfare program." I'm sure you inserted the word "potential" there for some reason. Could it be that you were not able to say that you have heard from many single-parent victims of the workfare program because there are none, so you had to use the word "potential" because in fact there are many single-parent success

stories under the workfare program across the province? Why did you have to insert the word "potential"?

Mr Thompson: We put the word "potential" in because the program to date in the communities we were — and we had more than 120 presentations from community groups during the course of those hearings — hadn't fully managed to — well, people were registered for community placements and that's where I think the figures that you're providing us from York region are probably misleading.

Mr Klees: In other words, you have no victims to point to under the workfare program, because the fact of the matter is that across this province there are individuals who have come forward to us who are not potential people who have found work but actual people who have found work. That is the fact.

Mr Thompson: We used the word "potential" because the program has not been able to find sufficient community placements to place those people in, and the number of actual community placements I believe is accurately reflected by the material that we've got back from our locals and the people who are delivering the service. That would fall far short of the 1,000 that you cite in York region.

Mr Klees: Is it not true that one of the reasons there are more places in the community to put people into community placement opportunities is because of the threats, the kind which you refer to in your submission today, that you and your organization and others like you are out there actually intimidating employers, intimidating not-for-profit agencies, suggesting that they would be forcing people to do things that they're not? Isn't that the case?

Mr Thompson: I think what's happened is that we've been able to convince large segments of the community to reject workfare and —

Mr Klees: Let me tell you something, sir: In the opinion of this government —

Mr Kormos: I want to hear the rest of his answer.

The Chair: Order, please.

Mr Klees: — you're precisely right.

Mr Kormos: I want to hear his answer.

Mr Klees: I didn't interrupt, Mr Kormos.

Mr Kormos: I want to hear his answer.

The Chair: Order, please.

Mr Klees: I didn't interrupt, Mr Kormos.

Mr Kormos: You were interrupting this gentleman.

Mr Klees: No, I got the answer I wanted. The answer I got was that he and his group are in fact intimidating people not to participate in the program. I think that's disgusting. I think it's unconscionable.

The Chair: Mr Klees, thank you.

Mr Klees: It's against the people of this province this program is intended to serve.

The Chair: Thank you, Mr Klees.

Interjections.

The Chair: Order, please. If we can have one speaker, we can try to maintain order.

Your time has expired, Mr Klees.

Mr Klees: It expired because of Mr Kormos, Chair.

The Chair: Actually, no it had not.

1630

Mrs Pupatello: On a point of order, Mr Chairman: I think you can probably agree that the committee members ought not to be badgering people who take the time to come and speak to us.

Mr Klees: Oh, stuff it.

The Chair: Order, please.

Mr Kormos: Chair, on the same point of order.

Mrs Pupatello: No, Chair, I'd like to hear what you have to say about the behaviour of any committee member of any party who engages in this kind of badgering and then tells another committee member to stuff it. It's on the record now. I just want your opinion. Are you going to give any kind of ruling in terms of behaviour of committee members?

Mr Klees: Let's have one on Mrs Pupatello's performance in this committee as well while you're at it, Chair.

The Chair: Order, please, Mr Klees. Okay, we will hear all discussion on this —

Mr Klees: I'd like a commentary on Ms Pupatello's performance.

The Chair: One moment, please. I'd like to thank the members for presenting here. We will continue this discussion after I have thanked these people. Thank you very much for coming forward to make your presentation today. We very much appreciate hearing that.

Now, to continue, Mr Klees has the floor and then I will approach Mr Kormos.

Mr Klees: Chair, I'm absolutely happy for you to make a ruling on the very issue that Ms Pupatello brought forward. What I would like, though, in the context of that is that I would like you as Chair to review Hansard and to review the conduct of Ms Pupatello over the course of the last two years —

Mrs Pupatello: You've never heard language from me like yours.

Mr Klees: — her language, her conduct, her disposition towards people who have come forward to make their presentation to this and other committees. I would like to know —

Interjection.

The Chair: Order, Ms Pupatello, please.

Mr Klees, what's happening here is that I am hearing discussion the same point of order as Mr Kormos had, before we had another interjection.

Mr Klees: Chair, I will abide by whatever your ruling is, and if your ruling is requiring me to withdraw that comment, I'm happy to do that. At the same time, I would ask you to review the conduct of Ms Pupatello, which on many occasions has been affront to the work that this committee and other committees have tried to do. It's been an affront to presenters, and I would ask that you make that presentation at the same time.

The Chair: Mr Kormos.

Mr Kormos: I don't know what "badgering a witness" means, with all due respect, because the only place I've ever heard that word is on American television shows. I've been in many courtrooms in Canada in a variety of

roles; I've never heard it in Canadian courtrooms. I have no qualms about anybody aggressively pursuing a participant. That isn't my quarrel — again, within common sense.

Mr Thompson is quite capable; I would have given Mr Klees 10 more minutes with him. However, to not let the respondent to a question answer — you see, in my respectful submission that's what you can't do. You can't stop the respondent midway through their answer saying, "That's as much as I wanted to hear." If you ask the question, you get the answer at your own peril.

That's why, quite frankly, I express concern about Mr Klees. Mr Thompson was carrying through with his answer and Mr Klees clearly had heard enough. It doesn't work that way. You put your two bucks down, you get what you pay for. It's not a money-back return here. That's my position, Chair. I don't know what the heck badgering is. As I say, I've only heard that on TV. But aggressive questioning, I have no qualms about. I think it's appropriate. Mr Thompson can take it. I would have given Mr Klees 15 more minutes with him.

The Chair: First of all, any further discussion on that?

Mr Klees: Yes, Chair. I'd like to just add to that. Mr Kormos is welcome to ask his questions in any way that he chooses and I reserve the right to do so as well. If I, in my opinion, have had the answer, which I did in that particular case — and Hansard will show that the answer that was received here was specifically to my question. I wasn't interested in hearing anything beyond that and I wanted to get on to my supplementary question.

Mr Kormos: It doesn't work that way in a courtroom, only Hitler's courtroom.

Mr Klees: You're entitled to conduct your questions any way you choose —

Interjection.

The Chair: We've heard enough discussion.

Mr Klees: — and I will do mine.

The Chair: Mr Klees and Mr Kormos, please. Both of you gentlemen have had an opportunity to speak. Now it's my turn, as the Chair.

First of all, there have been two issues brought forward, the first being conduct. There have been a number of times prior to Mr Klees making the statement he did that I did allow — as such, I will let that statement stand. However, in the future, if I have the indulgence of the committee, I will call all such incidents to order. Okay? Is that understood? That means all parties, because it was not a government member who made the prior comments. I did ask the clerk about the parliamentary acceptability of that and he said there was none, that he did not have a list in front of him that he could comment at that time. However, in the future I will call all of those to order.

Second, the other is the answer on the badgering. As Mr Kormos stated, the position of badgering and what exactly is badgering, to be honest, I was dealing with a number of other issues at the time, nor was I focused on the specifics of your conversation. However, listening to the individuals, the presentations on the issue, I will allow it to continue in the fashion that took place here. However,

aggressive questioning that goes beyond the purview of the committee or the bill I will not allow.

Mr Klees: Sure, that's reasonable and fair.

ONTARIO PUBLIC SERVICE EMPLOYEES UNION

The Chair: We will now call the next presenter. Thank you for coming forward. I believe you are representatives of the Ontario Public Service Employees Union, if you could identify yourselves for Hansard. You have 30 minutes. There is a total of 30 minutes presentation time. At the end of your presentation, any time you have remaining is divided equally between the three caucuses. You may begin, please.

Ms Leah Casselman: Ding, round two. Good afternoon. My name is Leah Casselman and I am president of the Ontario Public Service Employees Union. With me is Megan Park, a campaign officer with our union.

Thank you for the opportunity to make remarks on Bill 22. This is one of the few chances that we've had in this session to participate in a public review of government legislation. As an aside, it is deeply regrettable that the only reason that we have this opportunity is because of the government's cynical manipulation of legislative process.

Once again, the government has twisted the rules to suit its purposes. Bill 22, An Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act — and I agree, this is an amazing digression from the procedure; this actually tells the truth. Usually most of their bills are titled to do the opposite to what they want. This should be before the standing committee on social development, one would think, since it's related to the social services field. Instead, we are before you today, and this is because the government wanted to prevent members of this committee from invoking standing order 124 to investigate the government's role in the 1995 murder of Dudley George. The government's coverup of that terrible tragedy continues and we will not be a part of it.

Mr Klees: On a point of order, Mr Chair.

Ms Casselman: On the matter before us today —

The Chair: One moment, please, Ms Casselman. This will not be deducted from your time.

Mr Klees: Mr Chairman, I would like you to rule on a matter that I think is very important to this committee if we're to get our work done over the next number of sittings, and that is that submissions that are being made are to be focused on the bill that is before us. For members of this committee to hear submissions relating to other matters, whether it be the Dudley George file or any other file, is not appropriate. It's a misuse of this committee's time. I am not interested in hearing what the thoughts might be of a presenter as to why —

Mr Christopherson: Yes, that's true.

Mr Klees: The fact of the matter is that I'm here —

Interjections.

The Chair: Order, please.

Mr Klees: We have an order before us —

Mr Christopherson: Bring muzzles.

The Chair: Order, please. Mr Christopherson, you will have your turn. Continue, Mr Klees.

Mr Klees: We have an order before us. This committee has a responsibility to hear submissions on this particular bill, and I would ask you to keep presenters focused on the issue before us.

The Chair: Thank you. Mr Christopherson had a point on the same order and then Ms Pupatello.

Mr Christopherson: Chair, I would just reaffirm that I did see you signal to the presenter that their time has stopped and that this interjection is not taking away —

The Chair: Yes.

Mr Christopherson: I appreciate that, Chair, so I'll respond this way. I think a lot of people are going to make that reference, because quite frankly there's an awful lot of us who oppose this bill, both elected members and the public, who believe that this is part of the motivation. I think it's perfectly in order, Chair, for anyone making a submission to comment on why they think the government is doing what it's doing. I can assure you that we would be very appalled at the very least should you rule that people don't have the right to say why they think the government of the day is doing what it's doing.

The Chair: Ms Pupatello, on the same point of order.

Mrs Pupatello: I guess I need comment from you that in fact most of us agree that this bill does not belong at the justice committee because it's not a justice item. It doesn't deal with the Solicitor General, Attorney General, any of those.

The Chair: You're asking me, and that isn't a decision for the Chair to make.

Mrs Pupatello: I recognize that, but given that it's been given to this committee inappropriately to begin with, it would make our whole discussion of a social development item at this committee completely out of order. So given that it's been sent to the wrong committee to begin with and that government members have refused to address why that's been the case, that as critic for social services I'm sitting in the justice committee, then I think it's completely appropriate that every group that comes to present to us makes comment on the fact they, who are following a social service item, are wondering why they're sitting at the justice committee. I think it's entirely appropriate that they should address it in their presentation.

1640

Mr Kormos: With respect, Chair, and having listened to Mr Klees, Mr Christopherson and Mrs Pupatello, I understand that the Chair is compelled to and will impose the rules of the House (1) on the general proceedings of the committee and (2) in terms of the standards expected of respective members. In other words, I understand that if I were to call the Premier a liar, you would rule me out of order and ask me to withdraw that.

Mr Christopherson: Even though it's true.

Mr Kormos: I understand that if I were to use unparliamentary language with respect to —

The Chair: I would ask Mr Christopherson to withdraw that, please.

Mr Christopherson: Withdraw my comment about the Premier being accused of being a liar as true?

The Chair: Please.

Mr Christopherson: I withdraw it.

Mr Kormos: I think the Chair understands what I'm saying.

The Chair: Yes.

Mr Kormos: I agree that rule applies to those of us who are elected members. However, I don't want to suggest what any — quite frankly, we have the written submission of OPSEU. That same standard doesn't apply to witnesses. Those rules are imposed upon us because we're members of the Legislative Assembly. A witness can come in here and say whatever he or she wants. Quite frankly, they don't enjoy — well, no, I'm not sure they don't; they may not enjoy the immunity of a member. They may not. They're here in committee. I'm not going to make a decision on that. That's up to smart lawyers and high-priced legal help to determine should the time come. I'm just using that as an illustration.

I would respectfully submit that the Chair wouldn't have the power to compel a witness, a participant, to conduct himself or herself with the same onerous standard — can you believe that we would call them "onerous standards" being applied to members of the Legislature? — and that includes the scope of the comments. Clearly, if a witness were in the wrong room, at the wrong place — in other words, if this witness were here making reference to some other bill entirely, the Chair might feel compelled to remind the witness that this is the justice committee, which normally hears matters, as Ms Papatello said, associated with Sol Gen and Attorney General, and say — look at that, I'll be damned, a quorum call — to the witness, "No, the committee you're appearing in front of is next door."

However, you've already heard about the extraordinary amount of time that's been given this very brief bill: eight days of hearings. That wasn't done by agreement of House leaders, that was done by order of the government, by edict, because it was in the time allocation motion. There was no agreement on that whatsoever. In fact, both opposition parties, the Liberals and the New Democrats, voted against that time allocation motion, which is what determined the eight days.

You've already heard that the eight days are in excess of the days allotted even to Bill 142. You've already heard that the reason for this bill, at least on one part, was because the Tories screwed up big time because one of their narcoleptic members, it simply went over his head —

The Chair: I'm sure, Mr Kormos —

Mr Kormos: Yes, it went over his head, when section 73 was voted down.

The Chair: You'll have another opportunity, I'm sure. The point of order: We're getting to it?

Mr Kormos: Yes, sir. Consideration about why this bill is here in this committee for this period of time is entirely relevant. Ms Casselman and OPSEU or any other person is entitled to draw inferences about why we're here doing what we're doing. That narrows the argument. First

of all, she has the right to say anything she wants. She can stand up here and, short of hollering fire in a crowded theatre, she can say anything she damned well pleases, because she's a resident of this province and she has rights, and if we start denying those rights to her, then we start denying them to everybody.

Second, in this context, consideration of the inference, the inevitable inference, the irresistible conclusion to be drawn about why this is before this committee for this period of time is I think entirely appropriate.

Those are my submissions, with all due respect to the Chair.

The Chair: Thank you, Mr Kormos. I've heard enough to make a decision on this. I have already ruled in a previous bill on this particular incident.

First of all, the Chair has no ability to determine what bills come before it nor is it my ability to determine whether eight days or any period of time is more than sufficient or sufficient at all. My function is to deal with and to make sure procedural orders are followed through.

Second, I have reviewed the presentation and I assume that the presenters will continue to follow the presentation. It does deal with Bill 22, so they will be allowed to continue dealing in the fashion they have.

My function is to make sure, as the motion is read, that we do deal with Bill 22 and, in the event that we are leading far astray from those lines, I will bring those individuals back to Bill 22.

You may proceed, Ms Casselman.

Ms Casselman: On the matter before us today, the Ontario Public Service Employees Union joins the Ontario Federation of Labour and community groups in condemning Bill 22. The proposed legislation denies welfare recipients the right to join a union, strike and bargain collectively. Bill 22 places the Harris government in direct violation of the Canadian Charter of Rights and Freedoms and international covenants which Canada has signed. The working people of this province are appalled by the Ontario Conservative government's blatant disregard for human rights yet again.

The title of our submission is, "What we desire for ourselves, we wish for all." Some of you may recognize this as a quotation from a great Canadian. The speaker was the Reverend J.S. Woodsworth, a champion of the underdog, a supporter of organized labour and the first leader of the Co-operative Commonwealth Federation, the forerunner of the NDP. He said this back in the 1930s. I am growing ever more convinced that the Harris government wishes to take us back to those terrible times, and I'm going to repeat those wise words: "What we desire for ourselves, we wish for all."

They express a sentiment that lies at the very heart of what my union stands for. We believe in the collective good. When we sit down to negotiate a contract, we know that it's not just about us. We know that it's also about improving the services our members provide in the community. We work for the collective good when we support charities. Every year, OPSEU members in every corner of the province give generously to the United Way. Making

our communities better places for all who live in them is important to us. We don't think it's right for some to have so much while others have barely enough to scrape by. We believe that people are created equal. We believe that all people should have access to the same opportunities and to the same services, and we believe that all should be treated the same under the law.

It is these democratic principles that we're talking about here today and it is these democratic principles that separate the working people of this province from the Harris government. Every time labour and community groups — these people over here — have come together for the Days of Action, we have been in effect telling the government: "We don't forget what democracy is all about, even if you do. You close hospitals and schools. You starve the child protection system of funding and place our vulnerable children at risk. You subject our troubled youth to military exercises instead of treatment programs that work. You weaken health and safety laws. You reduce employment standards to a bare minimum. You take away successor rights from members of the Ontario public service. You give bad bosses free rein to intimidate employees who are exercising their democratic right to join a union. Last but not least" — and this is not a comprehensive list of bad things this government has done; that would take me all day to go through, and I've already eaten up a number of my minutes here — "you victimize welfare recipients by forcing them to take unpaid work and then denying them their fundamental right to join a union."

It's pretty clear that this government doesn't believe in democracy. Bill 22, with its gross denial of the freedom of association for workfare workers, is just one example of the government's disregard for all things democratic. You will note that I use the term "workfare workers." They are not "community participants," as the government prefers to call them, with its flair for Orwellian language. Welfare recipients are doing forced, unpaid work. They are workers and should be recognized as such.

You have heard from the Ontario Federation of Labour that Bill 22 violates the Canadian Charter of Rights and Freedoms in the following areas: section 1, guarantee of rights and freedoms; section 2(d), freedom of association; section 7, life, liberty and security of person; and section 15, equality rights.

The bill also violates international agreements signed by Canada, including the International Covenant on Economic, Social and Cultural Rights, sections 6 and 7, and the International Covenant on the Elimination of Race Discrimination, section 5.

Finally, Bill 22 puts the Harris government in blatant violation of several human rights covenants of the International Labour Organization, including number 29, the forced labour convention; number 87, the freedom of association and protection of the right to organize convention; and number 98, the right to organize and collective bargaining convention.

1650

For those of you who don't know, the International Labour Organization is an agency of the United Nations. I'm sure members of this committee find it as ironic as I do when I mention the fact that Canada was a founding member of the ILO in 1919.

The National Union of Public and General Employees, of which OPSEU is an affiliate, pledged at its recent convention to submit an official complaint with the International Labour Organization. The basis for the complaint is that fact that Bill 22 denies individual Canadians their fundamental right to freedom of association.

Most ridiculous of all, the Harris government is trying to claim that the free and democratic right to join a union is somehow standing in the way of workfare being a success. Nothing could be further from the truth. The real reason workfare isn't a success in Ontario is that it's bad public policy. I pointed that fact out at great length in our submission last September to the standing committee on social development when it held public hearings on Bill 142, the law that created Ontario Works. I pointed out then, as I will do again, that the Harris government's so-called reforms to social assistance are a disaster. OPSEU represents 1,900 income maintenance officers, support staff and service specialists who work on the front lines of Ontario's social assistance system. Our members tell us that downloading welfare to the municipalities and making them pay for a large chunk of it is inefficient and will create inequities across the system.

Workfare figures prominently in this new and misguided era of downloaded social assistance. It's bad public policy, and that's why the Harris government hasn't been able to convince many social agencies or municipalities to participate in the exploitation of welfare recipients. Somehow I don't think Bill 22, with its denial of fundamental human rights and freedoms, is going to convince them any more.

People are learning the truth about workfare. They know that in other jurisdictions it rarely leads to people returning to the workforce in a decent-paying, full-time job. More than 200,000 people have passed through New York City's workfare program. According to the April 12 edition of the New York Times, a recent survey found that less than one third had gone on to full- or part-time jobs.

What workfare does well is to replace public service jobs with slave labour. I'm sure the Harris government has taken full and approving note of this. New York City has slashed the jobs of 22,000 employees — taxpayers — and at any one time, 34,000 welfare recipients, some of them former city staff, by the way, are doing that work. As well, 1,000 hospital workers in New York City were laid off in May, and they will be replaced by 950 workfare workers. OPSEU will not allow Ontario to copy this injustice. We will not allow our public services to be undermined.

A number of our employers in the broader public sector have approached us, asking for our agreement to bring in workfare. As well, the government, as an employer, has indicated its interest in using workfare in line ministries.

In each and every case, our answer has been no. We will not participate in the further victimization of the poor. We will not allow the services our members provide to be further weakened.

Government funding cuts and layoffs have taken their toll. The government has slashed the jobs of more than 14,000 OPSEU members. Staffing shortages and reductions in service have been the predictable results. Creating a cheap pool of forced labour to deal with these cuts is not the answer. If there is meaningful work to be done, a position should be created with a full salary and benefits package, and it should be part of our bargaining unit. It's that simple.

Much of our work is dangerous. Since December three OPSEU members have been killed on the job, and that's with a union to protect them and ensure that all necessary health and safety precautions are taken. We are concerned that unorganized workers are extremely vulnerable to being forced to do work for which they are ill prepared and ill trained. This has been the case in New York City. We don't want it repeated here.

No government sanction can stop working people from joining together, as they have always done, to improve their situation. Bill 22 makes it illegal for workers to exercise their fundamental right to join a union, but working people have faced this kind of unjust law in the past. They have fought back by organizing themselves and getting the support of fairminded citizens in the process. I am confident that the same will happen again.

I return to the title of our submission: "What we desire for ourselves, we wish for all." OPSEU members want good jobs with fair wages and working conditions, not only for themselves but for all the people who live in this province. Only then will our communities prosper.

OPSEU members want quality public services which are delivered in a fair and consistent manner across this province and are accessible to all. Only then will our communities prosper.

Finally, OPSEU wants all members of our society, regardless of their gender, race, religion or income status, to have the same rights and freedoms under the law. Only then will our communities prosper.

I ask this committee to join OPSEU in making that desire a reality and, in so doing, amend Bill 22 to restore all the rights this proposed legislation will deny to some citizens of Ontario.

The Chair: Thank you very much for your presentation. We have approximately five minutes per caucus, beginning with the third party.

Mr Kormos: Thank you kindly. You make the statement "creating a cheap pool of forced labour" towards the end of your submission. Reflect on the fact that we've got a federal government that in the fall of last year, when unemployment stood a chance of dropping below 9%, responded quickly by raising interest rates for fear that it would drop. That seems to me a federal government that wants to maintain a policy of high unemployment. We haven't heard a word of protest from this government. We've got a government here in Ontario, the Tories,

committed to letting the minimum wage drop by virtue of freezing it until the cost of living and inflation reduce it. And we've got Bill 7, which permits scabs.

Do you think there's any relationship between high-unemployment policies, Bill 7, which permits scabs, and forcing down the minimum wage? Am I just grasping at straws if I think that somehow these things are related to each other?

Ms Casselman: Ontario used to pride itself in pretty much being the leader of the pack when it came to progressive social policy and even economic development. I shudder to think that Alberta has now passed us, with their increase in their minimum-wage law. I guess they've gone through what Ontario pretends it's going to go through now, and they realize that if you're going to have people participating in their communities they need to have jobs and that our whole economy is based on taxes. The economy would be much stronger if everyone was paying their fair share, and I think perhaps some people are starting to realize that.

The combination of the three points you made clearly doesn't bode well for people who can't afford to buy the Mercedes with their 30% tax cut. Until folks rise up — and I think this is a good catalyst to getting the ordinary citizens to rise up and talk to their politicians squarely in the face about what kind of community and what kind of country they want — I don't know that we're going to see any change. But when we have a government that boldly introduces legislation like this, it certainly bodes well for people rising up.

Mr Kormos: You know Ms Ecker.

Ms Casselman: Never met the woman.

Mr Kormos: Well, you've read about her. She was here making opening statements, and it was really an incredible experience. She talked about labour leaders attempting to sabotage welfare reform, harassing community agencies, attempting to unionize welfare recipients, yet at the same time is adamant that her so-called workfare is only going to exist where it exists now. There are really very few people on workfare. She uses this global number, which her — what do you call him? — parliamentary assistant — more colloquial phrases came to mind — repeats about hundreds of thousands of people being on workfare. But really, what she's talking about is literally a handful of people in these so-called community placements. Workfare includes having to do job searches. Everybody on welfare has had to do that. Then when we asked her about upgrading, retraining, I said, "How the hell do you do that when they just gutted adult ed?" Down where I come from, shit, there's no adult ed left. It's gone. People can't go to high school to get their diplomas. But anyway, that's not the point.

1700

She tries to create the picture that these are people who go and be, let's say, candy-stripers in the local hospital or work with the local cancer society collecting money. I don't know a whole lot about the Ontario Labour Relations Act — Mr Christopherson does and you do — but I thought, heck, these aren't people who under the Labour

Relations Act can collectively bargain anyway. These are volunteers. So I thought maybe the real thrust of this was the expansion of her so-called workfare into the private sector, where you're displacing jobs at the McDonald's or the Burger King or at the Wal-Mart. The local welfare office can say, "We've got 50 for you," because that's what happened in the States. They laid off thousands of New York City workers and they filled them with workfare. Your comments about slave labour are dead-on. My suspicion was that this is really all about extending workfare into the private sector. Do you have any views on that?

Ms Casselman: What the government would like us to forget is that once you've gutted the public service — they think people are going to be there with their hands out to take any body they can to fill the spots, but with public services, particularly social services, there is a real need for people who understand the work. You can't just bring in someone off the street to look after kids who are developmentally challenged.

We've seen in the States, and it's now creeping into Canada, infections in hospitals. They're wondering how they ended up there. It's because of the squalid conditions in hospitals in the US where they've laid off all the cleaners. They bring in people who don't know how to clean or aren't given the equipment to clean or the training on how to use the proper cleaning methods.

Health care costs are escalating as a result of all those things. They think that as long as this government can give the doctors \$2 billion, the health care system is going to be fine. What they don't realize is that when you lay off the cleaners and bring in someone who doesn't know how to clean or isn't given the proper equipment, you're going to double your health care costs.

The Chair: We now move to the government members.

Mr Carroll: I don't know that it's necessary, but I did want to correct the record from the first witness. Mr Kormos talked about me obstructing another committee in its endeavours to deal with an issue. I'd like to set the record straight that I did not obstruct any committee. Mr Kormos knows that that particular committee he referred to met today, because he was at the meeting, to talk about issues.

Mr Kormos: It was the Chair and the clerk who told me that you refused to come to these subcommittee meetings and as such the subcommittee couldn't hear the consideration of standing order 124. Why do you lie to cover your pathetic ass?

The Vice-Chair (Mr E.J. Douglas Rollins): Mr Kormos, please.

Ms Casselman: I think you should have a full public inquiry into the Dudley George shooting. I agree completely with you, Mr Carroll.

Mr Carroll: I wonder if you could help me with a couple of issues. Would you argue, in the same way that you make this argument, that co-op students should join unions?

Ms Casselman: Yes, of course. We have students who work for the government in the summertime and they're unionized.

Mr Carroll: No, co-op students. Part of their education is —

Ms Casselman: Yes.

Mr Carroll: So you would argue that they should also be allowed to join a union?

Ms Casselman: Yes. Your government is driven by the whole idea that this is really good because it's work, it's experience, right? Let them experience the whole thing. Let them experience what health and safety laws are. Let them experience what minimum wages are. Let them experience what an employer-employee relationship is. Yes, co-op students should be unionized. Of course they should.

Mr Carroll: Have you taken that cause up with anybody?

Ms Casselman: You know, I talked to my step-nephew who is a co-op student and asked him if he would organize his area when he was co-op.

Mr Carroll: Great, wonderful. Can you answer another question for me? You say here, "This proposed legislation denies welfare recipients the right to strike." Could you explain for me a situation where you believe a welfare recipient should have the right to strike? Can you paint me a picture of that?

Ms Casselman: Yes. You stick them in some kind of situation where you've got them —

Mr Carroll: You're saying welfare recipients here, that they have the right to strike.

Ms Casselman: Yes, welfare recipients who are in a workfare program —

Mr Carroll: You're not saying that in here, though. You're saying welfare recipients have the right to strike.

Mr Kormos: Will you let her answer?

Ms Casselman: Follow the bouncing ball here: Welfare recipients who are in a workfare program —

Mr Carroll: Well, you left that part out. I see. Okay.

Ms Casselman: Let me try this again: Welfare recipients who are in a workfare program —

Mr Carroll: Can I write that in?

Ms Casselman: — you stick them in some situation, they're dealing with chemicals, they've got no protection, they're getting infected, they have absolutely no way to breathe — mind you, your environmental laws just went for a dumper too, so there are probably even scarier things out there. Yes, they should be able to down their tools and walk out and say: "Give me the proper training. Give me the proper equipment. Clean that place up before you put any human being back in there." All other workers have the right to do that. Why would you exploit them?

Mr Carroll: But you know they have protection. Would you agree with me, Ms Casselman, that non-unionized workers have those rights under the protection of workplace safety? Welfare recipients who are working in a workfare place, you know they have those rights.

Ms Casselman: Okay, so who's going to be the worker rep? Are you going to certify one of them? Are you going to send them for training? Are you?

Mr Carroll: You know they have those —

Ms Casselman: If there are more than 20 of them, are they going to have their own committee?

Mr Carroll: Only unions can protect people. Is that what you'd have us believe?

Ms Casselman: Okay, the government's going to pay to certify a welfare recipient on workfare as a certified union rep on health and safety issues. That's great. Can we get that as an amendment to the legislation?

Mr Carroll: You know they're protected. You're saying that those of us who don't belong to unions are not protected in the workplace. I take exception to that, because I believe we are protected in the workplace by the laws that are there.

One more question. You state in here, "Our members tell us that downloading welfare to the municipalities and making them pay for a large chunk of it is inefficient and will create inequities." I'm sure you are aware that the municipalities shared the administration of welfare with the province before.

Ms Casselman: Yes, 80-20.

Mr Carroll: So what downloading are you talking about here? Is it not still 80-20? What downloading are you referring to here, Ms Casselman?

Ms Casselman: I'm referring to all of the work being transferred to the municipal level for the delivery of welfare service.

Mr Carroll: But don't they always do that, 80-20?

Ms Casselman: It's the only province in the country which has moved it down instead of up to provincial control.

Mr Carroll: But was that not the situation back in —

Ms Casselman: The 1930s? Yes, it probably was back in the 1930s. You're absolutely right.

Mr Carroll: No, in 1995. When the NDP was in power was that not the situation, that it was shared 80-20 with the municipalities and the provinces?

Ms Casselman: Since Christ was a cowboy it's been that way. Back when there was a real Tory government, under Bill Davis, it was that way.

Mr Carroll: Ms Casselman, why is it "downloading" now?

Ms Casselman: Because that's what your minister calls it, Leach.

Mr Carroll: Oh, no, no, that's what you call it.

Ms Casselman: It's downloading.

Mr Carroll: But didn't the NDP have the same situation in place, the 80-20 welfare split between the province and the municipalities?

Ms Casselman: Yes.

Mr Carroll: Isn't that the same situation today? Why is it then downloading?

Ms Casselman: Because all of the welfare delivery was split into two areas. There was some being delivered by the province, which we represent: single mothers,

unemployables. That's all now being shifted on to the municipalities.

Mr Carroll: You're talking about the family benefits program.

Ms Casselman: That's correct.

Mr Carroll: You're referring to downloading welfare in here.

Ms Casselman: Yes, that's the generic.

Mr Carroll: So welfare hasn't been downloaded, has it?

Ms Casselman: That's the generic. They're all on welfare, whether it's family benefits or welfare. Expand your mind.

Mr Carroll: But welfare's already been there.

The Chair: We now move to the official opposition; Ms Papatello.

Mr Kormos: Sandra, give Jack your time.

Mrs Papatello: I can't. I would like to give Ms Casselman time to explain to the minister's parliamentary assistant why this is downloading, why it is that family benefits don't exist as they did before, why it is that the law, as it was changed — which every expert disagreed with. David Crombie, the master appointed by this government, told you not to do it, but you did it anyway and thereby changed everything. People are either in Ontario Works or they're under the disability portion of Bill 142. That's all that exists any more. You changed that. I find it interesting that the parliamentary assistant refers to all of these separate clauses, that his own bill, which he followed, changed.

I would like to give you more time, Leah, because I know he was quite interruptive and didn't allow you to have your point clarified, so you're welcome to do that.

Ms Casselman: Maybe I'm a little ignorant here. This isn't the parliamentary assistant to the Minister of Community and Social Services, is it?

Mr Kormos: I'm afraid so. That's as good as it gets.

Mrs Papatello: There are two.

Ms Casselman: Let me try to explain this to you.

Mr Carroll: I wish you would.

Ms Casselman: Welfare was delivered at two levels. There were single mothers, provincially delivered, family benefits, and then there was municipal delivery of welfare services. You've now shifted all of that to the municipal level. That's called downloading, from one government up here to one government down here. The federal government does it and now you're doing it. That's what you've done. You've downloaded all of that on to the municipalities. Now you're imposing legislation that will cut all the — well, most of the social programs have been cut, quite frankly, or are being cut because there are budget crunches, because nobody wants to raise taxes in this day and age because they don't understand the importance of public services.

We're going to end up with a whole bunch of folks — you're trying to squeeze those public organizations, and I would agree probably private corporations now as well, into hiring subworkers, that they don't have to worry about, that they don't have any protections for; they just

come in and they plug them in wherever they want. We refer to them as subworkers. They have no rights, no protections, which your bill clearly identifies — which is rather surprising — in the title. That's what downloading is.

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Mrs Pupatello: Representing OPSEU workers, the people who have been under OPSEU have watched for some time all the government motions to supposedly create efficiencies in government. I'd like your comment on the efficiency of expending over \$700,000 on this particular bill. It essentially began as four sentences in a paragraph, section 73 of Bill 142, which members of the government committee failed to pass at committee last November because one individual was sleeping, another was doing correspondence and another was out of the room. In essence, the opposition members of that committee were able to defeat a particular clause, namely section 73.

Now we have Bill 22. That four-sentence paragraph has become a bill in its entirety, receiving eight days of hearings, sent to an inappropriate committee, and with seven hours of debate minimum, which the government costs out at \$100,000 an hour, so well in excess of \$700,000. This, from the government that purports to be bringing efficiency to the Ontario government.

Ms Casselman: I would think that they would probably see this as a bonus. Because they were asleep at the switch before, they've now been able to figure out through their polling that — they think people still want to bash welfare recipients, so they're trying to give this bill a whole, huge profile: bash unions, bash labour, bash welfare recipients to see if that has any resonance for the next election. Actually, they've taken the lemons and made what they consider lemonade.

Mrs Pupatello: We dub this the sleeping beauty bill. Do you think that's appropriate?

Ms Casselman: I don't know; that was kind of a fun movie. Depends on who gets the apple.

The Chair: Thank you very much for your presentation. We very much appreciate the time you've taken to come forward today.

Ms Casselman: I enjoyed it; it was better than question period.

COALITION FOR A PUBLIC INQUIRY INTO THE DEATH OF DUDLEY GEORGE

The Chair: We call our last presenter or presenters, the Coalition for a Public Inquiry into the Death of Dudley George. In case you were not here earlier, you have a total of 30 minutes. At the conclusion of your presentation, the time remaining is divided equally between the three caucuses. If you could identify yourself for Hansard, you may begin.

Mr Kormos: On a point of order, Chair: I've just been advised that the government has just tabled with the Clerk of the House a time allocation motion with respect to Bill 25, an act to reduce red tape, sending it to the standing

committee on administration of justice so as to further delay our request under standing order 124 for a hearing into Dudley George. It is the most repugnant and apparent and transparent abuse of parliamentary power.

The Chair: Mr Kormos, that's not a point of order. I understand the message you're trying to get across.

Mr Kormos: This confirms that the Premier's office and any of those hacks speaking for it are intent on covering up the murder of Dudley George.

The Chair: Mr Kormos, please.

Sir, you may begin.

Father Barry McGrory: Citizens have the right to bring their concerns forward on any matter to their representatives, but it is a privilege to be able to address members of the Legislative Assembly about such an urgent matter as how we treat our neighbours who are materially poor, and I thank you for this time.

I am Barry McGrory, a spokesperson from the Coalition for an Inquiry into the Death of Dudley George, formed last December on the anniversary of the UN's Universal Declaration of Human Rights. You will recall that Ann Pohl of the coalition addressed you on June 8 and explained the broad base we represent, including Dudley's family, aboriginal organizations, faith groups, unions, anti-racism groups and others.

I am also involved with the Aboriginal Rights Coalition and for some years have worked on aboriginal issues in Canada. I am a Catholic priest of the archdiocese of Ottawa, currently living in Toronto. I have lived in this province all my life, except for two years' graduate studies in Rome and three years as a teacher and chaplain in Quebec at Bishop's University and Champlain College.

The present government has been slyly creative about the naming of its bills, usually trying, in the best Orwellian fashion, to euphemistically put as positive a light as possible on the matter. But in this case, it blatantly speaks of unionization as though it were a disease calling for eradication. That sounds foreign to me. The UN Charter of Rights, as mentioned, protects the right of workers to organize into unions, in article 23, section 4. It did that 50 years ago. Pope Leo XIII affirmed the same principle 108 years ago.

My information is that less than 200 persons in Toronto are involved in workfare. Participants have to sign an agreement to provide 70 hours of service per month to an approved community organization and an equal time for the search for employment. If they fail to comply, all benefits are immediately cut off. A volunteer could not strike, according to the present regulations, nor would there would be much incentive for an employer to enter into collective bargaining with persons who are only permitted to do non-essential, non-remunerative work and who effectively cannot strike. And what union would be interested in organizing so few volunteers, with such weak bargaining power and financial resources? Moreover, the bill seems to violate the Canadian Charter of Rights.

It seems to me that this bill is not necessary, will have no practical effect, and is probably ultra vires. I see it as an unjustifiable use of taxpayers' resources.

But it's not a frivolous bill. Its real purpose is to continue the war against the poor begun in this government's election campaign in 1995 and continued relentlessly ever since: from the 22% cut in welfare benefits, involving 500,000 children, with some allowances for eye glasses, dental care, and prescription drugs cut; to the more recent withdrawal of the pregnancy allowance for expectant mothers, a sudden withdrawal forced on the municipalities to their complete surprise, with neither previous study nor consultation and with the crudest of justifications by our Premier himself.

The word "motherhood" has a meaning in the English language now. It refers to all matters that are so untouchably sacred that it is trite to mention them. Their inviolability is just taken for granted. We dismiss a shallow political speech as motherhood — a nice word. Yet this government has violated what a few years ago was considered inviolable. "Motherhood and childhood," says article 23 of the UN charter again, "are entitled to special care and assistance." In my own city, Toronto, that allowance was more than restored under public health regulations for pre- and postnatal mothers' diets, so crucial to the normal development of the child. But other municipalities have so far not dared imitate that initiative.

Note that single mothers, once their last child is in school — for the lucky ones, that means four-year-old kindergarten, if only for half days — are required to comply with the regulation to accept training or workfare, plus job searching. But since there is no suitable day care available for them, this regulation is unenforced and unenforceable.

Some of these measures may save money to justify tax cuts for the wealthy, but in the long run they come at huge health, legal, and social costs, not to speak of the costs of underdeveloped human potential. This government does not engage in the direct killing of the weak, thank God — women, children, the sick and aged — as in Kosovo or Uganda, but its measures, so neatly packaged, will result in death just as final, nevertheless.

All this micromanagement is done by a government which professes to be against government regulation of its citizens. But that applies only to the wealthy and powerful. For those who have nothing, even that must be carefully scrutinized or it too will be taken from them.

As a taxpayer, I too get indignant at the thought of welfare fraud or people being given unjustifiable benefits which I know can corrupt their dignity and initiative. But the people of Ontario want to live in a place where all of us can live with dignity, and we are willing to pay for it. We believe with article 25 of the UN charter that every Ontario citizen has a right to a life with dignity. We will not stand for sectors of the population being discriminated against for political gain. In this bill, this government has once again fomented class division previously unheard of in this province, seeking to exploit it for political gain. I don't care what their polls and focus groups say. It is wrong, it is wasteful and in the end will not be tolerated by the Ontario I've grown up in.

1720

But we do want our tax dollars spent wisely and responsibly, and we see nothing wrong in making sure that those who receive such benefits account for their actions, just as we think this government must account for its actions. Today is the Feast of St Thomas More, Sir Thomas More, a parliamentarian who was canonized by my church in 1935, just as Fascism was unleashing its horrors in Europe. "I am the King's friend, but God's first," he said, before his beheading at the age of 57 for refusing to accept the Act of Succession. The gospel for this morning's mass says this:

"Do not judge, so that you may not be judged. For with the judgement you make you will be judged, and the measure you give will be the measure you get.

"Why do you see the speck in your neighbour's eye, but do not notice the log in your own eye? Or how can you say to your neighbour, 'Let me take the speck out of your eye' while the log is in your own eye? You hypocrite, first take the log out of your own eye, and then you will see clearly to take the speck out of your neighbour's eye."

This government has made the supreme effort to make welfare recipients accountable for every last penny, while they steadfastly refuse to account for the killing of one and the wounding of three under the most odious circumstances.

Three squads of armed and heavily protected Ontario Provincial Police on the night of September 6, 1995, marched on about 30 unarmed men, women and children who were peacefully protesting the use of their land in a provincial park already closed for the season. Only last week the government of Canada finally proposed to return the adjacent 900-hectare army camp, and the probable title to it was affirmed by the Supreme Court of Canada in the Delgamuukw decision of last fall. Dudley was the first to die under such circumstances in Canada in this century.

The Chair: Sir, without seeing a presentation, it is my role to ensure that we remain dealing with Bill 22. So I will have to be calling you back to make sure that it refers to Bill 22.

Father McGrory: I'm just refreshing the committee as to why I would like —

Mr Kormos: On a point of order, Mr Chair: Mr McGrory tabled his request with the clerk to appear here under the name Coalition for a Public Inquiry into the Death of Dudley George. He made no secret about where he's from or his participation and membership in that coalition. He's not coming here under some subterfuge. The clerk clearly accepted that, and this agenda has been available since last week.

Quite frankly, in the absence of any objection, it seems strange — and I respect what the Chair is trying to do — that the Chair unilaterally would try to raise some objection now. The Chair has already heard and accepted, in the instance of Ms Casselman and OPSEU, the relationship between this committee hearing and the Dudley George death, the shooting of Dudley George and the failure of this government to permit an inquiry based on what happened in Ipperwash two years ago. The Chair has already

ruled that to be acceptable. It seems strange that one set of rules applies to Ms Casselman and another set of rules applies to Mr McGrory, especially when he was so straightforward about whom he's here on behalf of. He's here on behalf of the Coalition for a Public Inquiry into the Death of Dudley George.

The Chair: Mr Kormos, I don't believe that you would have me exclude any presenter simply based on the name. Otherwise, we would have to investigate each presenter. Just before I continue, sir, I have stopped your time, so you have your full 30 minutes. We don't do research to determine the actual function of that organization or group. My function is to ensure that we deal with Bill 22 as we continue. As I stated, as I mentioned here before I started, since I don't have a copy of the presentation, I would just ask you to continue, as long as we refer this to Bill 22.

Father McGrory: The purpose of bringing this up is that on the one hand the poor people must account for every penny, so I believe our government has to account for its actions. Such a confrontational police action as I described was unprecedented in this province, and there are many indications that a decision of that importance had to be taken at the highest level, in fact only in the Premier's office.

Mr Klees: On a point of order, Mr Chair: With all respect, and I'm sure the presenter also respects the role that this committee has to play in this place, particularly given his background, I'm sure he understands that there are rules by which we must conduct business. With the previous speaker, I asked you to make a ruling here in terms of this committee hearing matters specifically related to the bill before us. I accepted your ruling — you were very clear — that presenters would be asked to keep their comments to the bill before us. This may be cute in terms of how this is being positioned to divert the subject matter, but I don't think it's respecting of the Chair or the ruling you've made, and I ask you to conduct yourself accordingly, as the Chair, to keep proceedings focused on this bill.

Mrs Pupatello: Just on this, because I recognize that you ruled for today, but if there's a chance that tomorrow before we begin at 3:30 you or the clerk's office could check the precedent at committee. As I recall, with Bill 142, which Bill 22 is an amendment of, those presenters presented to us within a prescribed period of time and we did not subject them to scrutiny line by line on what they were telling us. In fact, many of the presenters went on about links to other pieces of legislation, and that was never denied them. If there is a precedent at committee that we are now going to subject a line-by-line scrutiny, that every single paragraph is subject specifically to the law we're discussing, I'd like to see that there is precedent that a Chair at committee would do that, such as your ruling today, because I don't think there is precedent at committee for that.

Mr Kormos: With respect, and I wasn't going to comment on this point of order, because I am confident the Chair has a handle on the issue in view of how the Chair

let Ms Casselman speak about Ipperwash and the fact that the only reason we're having Bill 22 in front of this committee for eight days is to defer the hearing into the shooting of Dudley George, but let me put this to you. I've been here a couple of years longer than you. I've been in all sorts of committees. We get all sorts of people. From time to time, we'll get the proverbial person who wants to come to the committee, especially the justice committee, to complain about the radio waves emanating from his or her television set that are poisoning his or her food, insisting that the RCMP are part of the conspiracy to poison him. I need not say any more, okay?

The fact is that freedom of speech doesn't stop and end with what you find rational or what you agree with or what you find embarrassing or not embarrassing. You know what the courts have said. You know the famous statement by an American Supreme Court justice that freedom of speech means virtually everything but for calling "Fire" in a crowded theatre. We haven't heard that yet and we can't start creating grey areas. It's this man's 30 minutes. He can use all of it, part of it. He can stand here and recite, if he were inclined to, some sort of Dada, beat, gibberish poetry. The fact is that that's his prerogative.

Mrs Pupatello: It's the same sort of thing as filibustering.

Mr Kormos: No. With filibustering, it all depends who's doing the filibuster. Mike Harris was crappy at filibustering.

But I'm saying we've got to be very careful when we start interfering with what a witness can or can't say. I think that's very dangerous turf.

1730

The Chair: I'll comment again on the title of the organization represented by the presenter. I was approached and questioned about this outside of the committee and I clearly stated to them at that time that if the individual had come forward and just given their name, we would not know the function or the organization they represented. My job is to follow the motion that has been presented to me, which is to follow the guidelines of Bill 22. I have asked the presenter to relate it to Bill 22 and he has assured me that he will relate this to Bill 22. In the event that I find that he does not, then I will ask him to deal with Bill 22 again.

You may continue.

Father McGrory: Dudley was warned by the police that he would be the first to go. Evidence will show that he was shot once in the foot and, as he bent over, again in the side, and then that he was not only refused medical help from the attending ambulance personnel, but those who tried to get him to help miles away were hindered by the police. Local people claim they have filmed and other evidence of heavy alcohol consumption by the Ontario Provincial Police around and perhaps even during the event. Souvenirs with racist tones were produced by the OPP for their participants.

This "extra-legal execution," as Amnesty International has described it, this atrocity, has all the marks of a "Somalia killing" —

The Chair: You are going to relate it to Bill 22?

Father McGrory: — with reference to the Canadian army's atrocities in that country. Yet this government has refused an inquiry, or even to promise one, and has used every subterfuge possible — and my very presence here today is an example of that — to prevent the light of day being focused on its actions.

When a mother and child were killed by police in Alberta last winter, an official public inquiry headed by an aboriginal judge was appointed within a week. The excuse that the matter is before the courts is specious, as there are ample precedents where inquiries have proceeded even while criminal charges were proceeding before the courts. The coalition has sought in vain for the legal basis for the refusal of an inquiry from the Premier's and the Attorney General's offices, and we will probably have to resort to the Office of the Ombudsman for information to which the citizens of Ontario have a right.

No, this government has one standard for itself — and I get back to the poor here — and another standard for the poor and defenceless. One has to give an account; the others don't. I believe it was Hannah Arendt, the German-American philosopher, whose studies of the Shoah, the Holocaust, are so valuable, who described Fascism as the absence of the feminine. Whenever any human component gets unbalanced, the price we pay is enormous because we are such powerful beings. Masculine traits are beautiful and admirable when balanced by feminine traits, but otherwise they can be utterly destructive. So it is that this government always attacks the weak: not only mothers and children and defenceless aboriginals, but pay equity for women workers and care for the old, the sick, the deaf, prisoners, public transportation users, the poor and even Mother Earth herself. There is a manifestly clear record of this persecution. For me it's all the more detestable as it is done so joyously and righteously, this persecution of the most vulnerable and the most helpless among us.

When I gave you that picture of those 30 men, women and children, I had a hard time not weeping. I saw 30 armed men march on them with guns drawn, military-style automatic weapons, and they shot them. And you will not let us have an inquiry about it.

There are few labels more offensive to my mind than Hannah Arendt's definition of Fascism, but there it is, her definition, the absence of the feminine and the Tory record. I see a correlation and I fear for our future.

That is the end of my remarks.

The Chair: That allows us approximately seven and a half minutes per caucus. We can begin with the government.

Mr Carroll: Thanks very much, Father. It's nice to have a priest come to our committee. I'd like to phrase my questions to you as a practising Catholic. I serve my church, not in the same capacity as you serve it, but I do serve my church, and I'm very proud of that.

You talk about the right to life with dignity. I subscribe to that. You don't talk about where self-responsibility comes into the issue, which concerns me a little bit. You escaped talking about that when you talked about the right to life with dignity.

I would like to ask you to comment directly, if you would, on June 1995, when the previous government handed over to this government a province of Ontario where one out of every eight people in arguably the richest part of this great world of ours was trapped in a welfare system. I would like you to comment for me, if you would, how you believe that represented the right to live in dignity as exercised by the previous government.

Father McGrory: No one could or would. I myself have applauded any efforts, in this speech, to make people on welfare accountable. That was not my point. I think people who are on welfare should be accountable and they should be responsible. Doing otherwise only harms them. I have no doubt about that. All I said was this — and of course the effects in the early 1990s were worldwide, a profound recession or depression, as most honest people will say — what I'm saying is if they have to be accountable, so do you. That's my point. How come there are two standards?

You heard what Jesus said about the speck, and I mean speck, in the poor person's eye. If he's got over \$500 in the bank, a single man can't get welfare. That's a speck. But this big, incredibly ugly, evil happening — sacred silence, and not even a promise one day to have an inquiry. There is a steadfast refusal to say, "Yes, once it's all through the courts, we promise a full and complete inquiry of this terrible mess." All we get is, "No, no, no." I don't think Thomas More, whose feast day is today, would be very proud of you as keeping up Catholic ethics, to be very honest with you, if you bring up Catholicism.

Mr Carroll: I'd like to go back to another issue then, Father, where you commented on today's gospel. You commented on, "Do not judge, lest ye be judged." Tell me how, in this exchange with us today, you are not every bit as guilty of the judgement issue as anybody sitting at this table.

Father McGrory: I'll face my Maker. I want to be judged and I expect to be accountable for everything I've done, and I won't shirk it. I can't shirk it; I don't expect to shirk it. I never have and I don't expect I will. I'm asking you to be as accountable as you make others accountable. I expect to be accountable, Mr Carroll.

Mr Carroll: To what extent do you believe we're not accountable?

Father McGrory: Why won't you give us a chance to show your accountability?

Mr Carroll: We're talking about Bill 22 here.

Father McGrory: No, I'm talking about the other matter.

Mr Carroll: Well, I'm talking about Bill 22. To what extent would you say that in asking people who are trapped in a welfare system to assist themselves to a better way of life by participating in a workfare arrangement we are not being accountable in that process?

Father McGrory: I never said anything negative about workfare. I never said a single negative word about workfare.

Mr Carroll: You think they should be allowed to join a union.

Father McGrory: I said I think it's a foolish consideration. I don't think unions are interested; I don't think they will be interested. I can't see the purpose of it. That's what I said.

Mrs Julia Munro (Durham-York): I just wondered, because you had made some reference to the issue of welfare at the beginning of your remarks, if you would agree that a job is the best form of welfare.

Father McGrory: Yes.

Mrs Munro: Do you think government policy can have or does have an effect, whether beneficial or otherwise, on the creation of jobs?

Father McGrory: By all means, yes.

Mrs Munro: That would lead me to wonder how you would react, then, to the announcements that were made last week regarding the investments in Toronto and Whitby on the jobs to be created in those areas.

Father McGrory: What was that announcement? I missed it.

Mrs Munro: Two that would together create thousands of jobs in the greater Toronto area.

Father McGrory: Anybody would applaud the obtaining of more jobs. My objection to the workfare thing was that it came in in such an odious way that all the good volunteer organizations refused to cooperate with it. They were afraid to. That was the atmosphere that this government brought forward. The second thing is forcing single mothers into it: 70 hours a month in volunteering and 70 hours a week in job-sharing and trying at the same time to raise children, a four-year-old who's in kindergarten, seems absurd. It is absurd. It can't be done. Then at the other end of the line the 65-year-olds are being forced — they're going to go out and they're going to learn some new employment by volunteering. They're going to become volunteers. It's absurd.

There are fine points in it but workfare itself possibly, conceivably, could help someone. Lots of people are getting jobs through volunteer work. I grant you that.

1740

The Chair: Thank you very much, Ms Munro. Actually, I'm going to have to correct myself. I believe I said seven and a half minutes each, but it's actually five and a half minutes, which is the time I allowed the government.

We move to the official opposition.

Mrs Papatello: I want to speak about government accountability. I think you raise a fair question. The government has been very public about forcing welfare recipients to be accountable in terms of their not abusing the system etc. It seems that if you're prepared to set that standard for individuals who are on assistance, then the government itself should be subject to the same standard of not being wasteful, not being inefficient, in fact introducing programs that must be accountable to the taxpayer.

We found it interesting when we travelled with 142, of which this new bill is simply a subsection — the government members fell asleep and didn't pass that subsection. It was then recreated into an entirely new bill, still the same section 73, using the same number. That's how identical it is to the paragraph they missed the first time around.

This government has not been made accountable for their inefficiency of introducing Ontario Works after three years of government. Whether you agree with workfare or not, being at minimum 75% through their mandate of their first term, they have yet to introduce a welfare program that works and they have spent an absolute fortune doing so. The government, I believe, needs to be accountable for wasted millions.

When we were travelling with the last bill, we were in London one day, the day the government launched a government advertising campaign that you and I and every other taxpayer paid for, announcing that welfare recipients would now participate in Ontario Works. It was quite interesting because there was no benefit to the ad. Those who receive welfare are in constant contact with the people who send them the cheques. There was no need for them to hear on the radio ad that this was going to happen to them.

It was clearly the use of government dollars strictly for the purpose of exercising political propaganda — workfare as the issue — to further enhance their image with their public in linking Tories to workfare. It had nothing to do with the efficiency of the program and nothing to do with welfare recipients and what their next step would be to participate in the program. There was no benefit other than political propaganda, so they have not been accountable for that kind of wasteful spending.

They've wasted money on advertising. They've wasted money forcing municipalities to be involved in things that they themselves know do not work. The minister, after the bill was introduced, after a slew of regulations came into effect in this year, took a trip to Wisconsin to find out how to make workfare work. What is the public accountability of a minister of the crown who determines to fly to a new jurisdiction to figure out how workfare can work after the bill came into the House, after debate, after public hearings, after regulations came into effect? Then the minister decides to fly to another jurisdiction to try to figure out how it works?

After that little jaunt the minister determines they're going to reintroduce the section they slept through the first time around, make it another anti-union bill and give it far more in public hearings than the entire Bill 142 had in the first place. Added to that, they send it to the justice committee, where it clearly does not belong, because this is a social issue dealing with the Ministry of Community and Social Services. Not one government member is accountable for the fact it's been sent to the wrong committee.

So you come in in support. With the name of the group you're with, it's obvious to me that you insist that the government be accountable for what they are doing and that when they choose to ask you questions, instead they

take that time to give you answers, because the government should be accountable for what they do. In this case, it's wastefulness and expensive taxpayers' money without a program that works.

Unfortunately, the few people who are in it are not seeing the kind of effects they thought they were going to. We brought a man named Hugh Pescha into this House. He was begging to participate in Ontario Works because when this government was elected, he thought that as a 50-year-old who was downsized from a large company, Ontario Works meant he was going to have a job, and today Hugh Pescha still does not have a job. I'm very glad you came today.

Mr Kormos: Thank you kindly, sir. I should mention to you — these people have heard me say this. This is not unique to where I come from. I'm from down in Welland, down in Niagara region. I was born in Crowland, which was annexed in the late 1950s. In the 1930s the Crowland relief workers went on strike because they figured that as long as they were going to be forced to work for relief, they had a right to negotiate the amount of money they received, and they went on strike. They organized. The government of the day sent down the OPP and forced them to dig sewers by hand at gunpoint.

I've talked to a whole lot of those people and their children. I've seen the photographs. I've heard that story passed on from generation to generation. When I was campaigning in 1995 — I was in extended care, the old folks — the Tory candidate wanted to talk about workfare. I said, "Let's talk about it." These folks knew exactly what it meant. They nodded their heads; they remembered.

But something further: You might have heard me raise the fact that the government this afternoon — just an hour ago, if not shorter — filed another notice of motion, a time allocation motion restricting debate on Bill 25, a so-called red tape bill, referring it to this committee for clause-by-clause consideration, notwithstanding that it has no relevance to this committee whatsoever.

You'll recall that we brought an application under standing order 124 for a 12-hour inquiry into the shooting of Dudley George and, more specifically, the involvement of the Premier's office and/or the Premier into the slaughter of Dudley George. The government's response was to send Bill 15 by way of time allocation to this committee, a finance bill that had no place here. Then when it appeared that there were going to be two weeks left — because, you see, what had happened is the government member of the standing committee was Mr Martiniuk. He tried to raise a whole bunch of technical arguments about how we couldn't get the bill referred here by the subcommittee in time. Arguments were made back and forth and Mr Martiniuk didn't win that argument. He fled out of this room like a bat out of proverbial Hades and within an hour another time allocation motion was tabled in the House, sending Bill 22 before this committee.

I was just at the committee on resources development, over in room 151 this afternoon. You can check the record, Chair, if you doubt me. I was there at 3:30. I was substituted for Marion Boyd. I wanted to find out what

happened, because when our standing order 124 application got kiboshed here because of Bill 15 and then 22 being referred here, and now Bill 25, we brought the standing order applications in each and every other committee that had any relevance whatsoever. Marion Boyd did it for resources development.

I wanted to find out what happened to the standing order application in resources development. I spoke with the clerk and with the Chair of that committee and with the Liberal members who were present and was assured that the Chair, Ms Castrilli, had done her job by calling the subcommittee meeting, because the subcommittee has to consider it and then report back to committee, but the member of that subcommittee refused to attend on two occasions. He neither attended nor did he send an alternate, which is entirely acceptable. He simply refused to let a subcommittee meeting be, effectively killing the request for a hearing into the George slaughter by that committee pursuant to our standing order 124.

I'm told by the clerk of that committee, who is a civil servant, and by Ms Castrilli, who's the Chair of that committee and is as honourable as certainly this Chair and any number of others, that that member of the subcommittee who refused to attend and who similarly refused to appoint an alternate so that the subcommittee could consider it and refer back so there'd be a half-cheeked chance — I thought I'd clean that one up, recognizing your profession — of the committee pursuing it — the member who refused to show up was Jack Carroll, who's the parliamentary assistant to the Minister of Community and Social Services. He has denied it once already in this committee. I've responded to him by suggesting to him very clearly that he was not telling the truth.

What's tragic about this, in my view, because now we have this time allocation motion again today, I've got to tell you, Chair, is that all this does is raise more and more concern about what the truth really is around the slaughter of Dudley George at Ipperwash, when this government is doing everything it can, and subjecting its own members to such opprobrium, in their effort to quash even this modest 12-hour hearing.

You've got your own skins to save as well, if I may put it that way. At some point you should be joining the struggle to have the truth come out. If the truth ends up being benign, God bless, but if it's anything other than that, why is so much energy being used to suppress a member's right under standing order 124? Standing order 124 gives you such limited power. It's only 12 hours.

The Chair: Thank you, Mr Kormos.

Mr Kormos: Thank you, Chair.

The Chair: Thank you very much for your presentation. We appreciate your coming forward.

To inform Mr Kormos, I have done as you have asked. I have checked the record and it was not resources development, it was social development you were at.

Thank you very much. This ends —

Mr Kormos: On a point of order, Chair: Can I correct the record? Social development: I was in room 151.

The Chair: This committee sits recessed.

Father McGrory: Thank you for listening to me. I appreciate all of your work done here in the Legislature. I just say, I'm the King's friend, but God's first.

Mr Kormos: On a point of order, Chair.

The Chair: I've already closed.

Mr Kormos: How can you close it without a motion for adjournment?

The Chair: You're correct.

Mr Kormos: May I correct the record, please? I intended to say "social development" rather than "resources development," which was the meeting in room 151 today. A slip of the tongue. I hope the record will reflect that.

Mrs Papatello: A question for the Chair: Would I be able to hear back, before tomorrow's meeting, regarding the precedents about content of presenters at committee, whether in the past they have always had to pertain specifically to the bill at hand at that committee, if there's a precedent for the ruling you made today?

The Chair: We can have legislative research look into that.

Thank you. Recessed until 1530 tomorrow.

The committee adjourned at 1753.

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(Hansard)**

Tuesday 23 June 1998

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des débats
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Mardi 23 juin 1998

**Standing committee on
administration of justice**

**Prevention Of Unionization Act
(Ontario Works), 1998**

**Comité permanent de
l'administration de la justice**

**Loi de 1998 visant à empêcher
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
ADMINISTRATION OF JUSTICECOMITÉ PERMANENT DE
L'ADMINISTRATION DE LA JUSTICE

Tuesday 23 June 1998

Mardi 23 juin 1998

*The committee met at 1534 in room 228.*PREVENTION OF UNIONIZATION ACT
(ONTARIO WORKS), 1998LOI DE 1998 VISANT À EMPÊCHER
LA SYNDICALISATION
(PROGRAMME ONTARIO AU TRAVAIL)

Consideration of Bill 22, An Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act, 1997 / Projet de loi 22, Loi visant à empêcher la syndicalisation en ce qui concerne la participation communautaire visée par la Loi de 1997 sur le programme Ontario au travail.

CITIZENS FOR PUBLIC JUSTICE

The Chair (Mr Jerry J. Ouellette): We'll call the standing committee on administration of justice to order to hear further presentations on Bill 22.

For the committee members who are here, there have been some adjustments to the presenters today. As we are waiting for individuals — there was a cancellation — I believe we will move to the 5:30 presentation as listed on your sheets. Could the Citizens for Public Justice please come forward? If you would identify yourselves for Hansard before you begin, we would appreciate it.

Mrs Sandra Pupatello (Windsor-Sandwich): There was a cancellation?

The Chair: Yes, there was a 4 o'clock cancellation and the 3:30 individual is apparently not here.

Mr David Christopherson (Hamilton Centre): Is that the SEIU, Kenneth Brown?

The Chair: We don't know.

Just so you know, there is a total of 30 minutes' time. You can use that total time for presentation. At the conclusion of your presentation, any time is divided equally between the three caucuses for questions and answers. You may begin.

Mr Gerald Vandezande: I've come here on very short notice and thought I'd come and listen for a bit to see where things are at. My name is Gerald Vandezande, not to be confused with the former Premier of the province of British Columbia. I'm the national public affairs director of Citizens for Public Justice. CPJ is an independent, national, non-partisan, ecumenical organization that, for

the last 35 years, has been busy with a variety of human rights and civil liberties questions, including the inherent right of Canada's native people to self-government and related questions that we have debated and discussed and pursued also in the courts, particularly federally.

I appear here today in the context of Bill 22. I'll be very honest and upfront with you. When I saw the title of the bill, An Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act, 1997, I wondered for a moment whether I was living in another century. For your information, I used to be actively involved in the organization of workers and representing them in the negotiation of collective agreements. I remember, from going to high school, that the struggle for workers to obtain the right to organize in the trade union of their own free choice and the right to be represented by such a trade union in collective bargaining on their behalf for the negotiation of decent wages and working conditions was a right that was struggled for long and hard and which people finally enjoyed.

Here we are in 1998 and a government in our democratic Ontario is introducing a bill that, of all things, prevents unionization. I want to address that for a moment in the context of Ontario's own Ontario Human Rights Code, as well as the charter. The Ontario Human Rights Code — at least the copy I have, 1981, and I don't think it has been amended, but who knows? Maybe it will be amended as well. In its preamble, it makes it very clear. I'll read it:

"Whereas recognition of the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations; and

"Whereas it is public policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and wellbeing of the community and the province."

Given that recognition and given the guarantees of freedom from discrimination that are part of the Human Rights Code, I refer you in particular to section 4 of part I, where it clearly states that every person has a right to

equal treatment with respect to employment without discrimination etc.

Throughout part I of the Human Rights Code, repeated reference is made that people are entitled to equal treatment. They're entitled to be free from discrimination and are entitled to exercise their human rights within the context not only of services and housing but also with respect to employment.

Then in subsection 4(2), as well as in section 5, specific reference is made to the fact that every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee, and that every person has a right to equal treatment with respect to membership in any trade union etc.

1540

I refer to those sections because I think the letter and spirit of Bill 22 is contrary to the Ontario Human Rights Code, is in violation of it. I do not understand why the Ontario government, the Conservative government, which helped to work through the Ontario Human Rights Code — introduced it, in fact, and supported it — today introduces a bill that goes contrary to the letter and spirit of the Ontario Human Rights Code.

Second, I want to make reference to the Canadian Charter of Rights and Freedoms, a charter that was wholeheartedly endorsed by the provincial Premier and major Conservative figures, including Joe Clark and the former Premier of this province, Mr Davis. I refer you to section 1, which says: "The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

It is my submission to you, Mr Chairman and members of the committee, having checked with legal counsel, that Bill 22 does not stipulate any reasonable limits that prevent workers compelled to engage in workfare — that they must be limited in the exercise of their rights and freedoms. There is no demonstrable justification that their rights must be denied to them. They, like we, are citizens with equal rights and equal freedoms, living in a free society, in a democratic society, and are entitled to the protection of those rights. They are stipulated in section 2 of the charter of fundamental freedoms, which speaks about, among other things, everyone having the freedom of conscience, the freedom of opinion, the freedom of peaceful assembly and the freedom of association.

It's particularly the latter freedom, the freedom of association, which is being violated by Bill 22, because people are prohibited from exercising their freedom of association, their freedom to join the employee association, the trade union, of their choice. Again, that is contrary to the charter and the principles of the charter, particularly section 2, subsection (d) thereof.

In section 7 of the charter we find a similar provision, namely, "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental

justice." No principles of fundamental justice are cited in Bill 22, to my knowledge, that give the government the authority to deprive citizens of this province, residents of this province, of their fundamental right to life, liberty and security of the person. I submit that their right to life, liberty and security of the person is being denied to them when you strip them of the right to join the trade union of their choice, as is the case with Bill 22.

Finally, I want to refer you to section 15, subsection (1) of the Canadian charter, which clearly stipulates that "Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination." I again want to point out that nothing in Bill 22 is cited that makes it imperative for the government to deprive Ontario residents, Canadian citizens, of their right to legal equality before and under the law and their right to equal protection and equal benefit of the law without discrimination. If there are grounds that the government knows of, it should cite those in the bill and put its cards on the table.

I also want to refer for a moment to the international covenants which Canada, including Ontario, has signed: the International Covenant on Economic, Social and Cultural Rights, as well as the International Convention on the Elimination of All Forms of Racial Discrimination. I particularly also refer to the International Labour Organization's human rights conventions, which in numbers 87 and 98 refer to the freedom of association and protection of the right to organize, as well as the right to organize in collective bargaining convention.

Again, nothing in the bill before you states why the government finds it essential in a democratic society to deprive a certain class of citizens of their right to choose and join the trade union of their wishes and why their Human Rights Code entitlements and Canadian charter rights should be denied to them. As is the custom in the House of Commons when a bill of this kind of radical nature comes before the House, the legal advisers to the House of Commons provide the standing committee of the House with a written submission as to whether a particular piece of legislation that is interpreted to be a civil rights or human rights piece of legislation has the approval of those who constantly work with the charter and other human rights legislation or whether the legislation violates the very rights that are guaranteed in Canada's human rights legislation, and the Canadian charter in particular.

I don't know whether such a certificate was tabled by the government or by legal counsel to the Legislature, but it seems to me essential, particularly for the benefit of the people who will be directly affected in a negative way by Bill 22, that they know and we know and you as committee members know whether or not this is a violation of the Ontario Human Rights Code and the Canadian charter. To deprive people of the right to choose the union of their choice and to participate in such a union, to me and to legal counsel with whom I have conferred — of their right to join a trade union to bargain collectively with respect to their wages and working conditions.

I submit that Bill 22 should either be withdrawn or not proceeded with until the proper legal counsel and advice has been obtained to ensure that no one's human rights under the code or rights under the Canadian charter or rights under the international covenants or the rights under the ILO conventions have been denied.

The Chair: Thank you very much. That leaves us a little over five minutes per caucus. We begin with the official opposition.

Mr Vandezande: I'm slightly deaf, Mr Chairman, so if everyone could speak up I would really appreciate it.

Mrs Pupatello: I'll have a little bit of trouble doing that.

Thank you very much for coming this afternoon. In terms of the last question you posed, about whether having legal counsel vet this is something the government ought to do with Bill 22, I want to read you a section about a question posed to legal counsel about whether Bill 22 is redundant because those participants would still be covered under the Labour Relations Act. The response that came back from counsel indicates that the key to being subject to the Labour Relations Act has to do with the participant being considered an employee, and in this case the workfare participant is not an employee and therefore not subject to the Labour Relations Act.

Given that, I'm assuming the government is using that as their argument so they don't feel they've violated any of these other covenants, international or national, because that particular relationship of being an employee and employer doesn't exist, which would be subject to other acts of the Ontario government. Given that that's likely the answer they would give you if you asked them directly, do you have any comments or precedents in your own experience with that as an issue?

Second, as an organization, you have launched various court battles such as this. Is it your intention to go forward with this issue and attempt to stop the government through the courts?

1550

Mr Vandezande: Let me begin with your first question. I seriously doubt, and so does legal counsel, whether one can deprive persons in the employ of employers of certain rights guaranteed in law to all residents of Ontario either by way of the Ontario Human Rights Code or the Canadian charter, and it's doubtful, legally speaking, whether one can deprive them of the protection of the Labour Relations Act. One can declare that that's okay, but that is for the courts to sort out, particularly since Canada — and when Canada signs an international convention it needs the consent of all the provinces — signed international conventions, of which Ontario was a part, which require it to abide by those conventions, which include the right to organize and to be represented by a collective bargaining agent. A government can declare that it does not deem this bill to be a violation of certain constitutional documents or human rights legislation. The reality is that that may have to be fought out in the courts.

With respect to your second question, Citizens for Public Justice will definitely, as we've done in the past,

when we acted on behalf of and supported Canada's native people, join an action of this kind. One day it is the workfare employee, just to use that description, the next day it's a public sector employee, and the third day it's another employee who's going to be deprived of his or her human rights guaranteed under the charter.

I'll be so blunt as to say that I went through the Second World War and I lived also prior to the Second World War — I know that dates me a little bit — and people in Germany became extremely concerned when their constitutional rights and civil liberties were gradually being denied to them. I think we ought to be very careful, in a free and democratic society, to take these unilateral steps that eliminate people's constitutional rights and civil liberties by a piece of legislation like Bill 22.

Mrs Pupatello: Can you speculate why the government would have brought forward a section which the government failed to pass at committee last November because certain members were asleep at committee? Since that time, it was reintroduced as this one-page bill in the House, at a cost of over \$700,000 of taxpayers' money, a calculation which comes from the government's number of \$100,000 per hour, a minimum of seven hours of debate in the House for Bill 22, and now we're getting public hearings far in excess of the original Bill 142, which this bill would be an inclusion of. It's so similar that it's even got the same number, 73, which is the section they slept through last November. What's your speculation about why the government would do this?

Mr Vandezande: I don't want to speculate, but it is my experience that governments, political parties, organizations, institutions that are driven by an ideological obsession that makes every other point of view not worth considering are determined to ensure, particularly when you're caught in an individualistic ideology, such as many people in the current government are, that you'll use any means to deprive people of their collective rights, civil rights and liberties, even though they are guaranteed in the Labour Relations Act, in the charter and in the Human Rights Code —

The Chair: Thank you. We're going to have to move on to the third party.

Mr Christopherson: Thank you, Mr Vandezande. Correct?

Mr Vandezande: That's good enough.

Mr Christopherson: It's not right, though? Sorry. What's the proper pronunciation?

Mr Vandezande: Vandezande. People call me all kinds of names.

Mr Christopherson: Well, we here know what that's like.

Let me first of all thank you very much, particularly your being flexible enough to move into an available spot. You covered an awful lot of ground. I jotted it down when you mentioned that when you look at this, you feel like you're living in a different century. Particularly in the area I focus on, labour relations, certainly going back half a century is not over the top, is not rhetoric. Part of what they undid in Bill 7 were rights that were given literally

more than 50 years ago and are now gone; they've disappeared. We've seen the same sort of backward movement in other areas of everyone's life. Whether it's the Planning Act, whether it's the Employment Standards Act, whether it's workers' compensation, it's all going in the wrong direction.

Mr Vandezande: But this right, with respect, is more fundamental, in some respects, than other rights. What I mean by that is that if the foundational right of a person to decide for himself or herself which association he or she will join to have their rights and wages and working conditions defended, that's a fundamental question, and the charter is pretty clear on that.

Mr Christopherson: And I wanted to focus on that. Certainly professor Roy Adams — if you're familiar with Professor Adams, formerly of McMaster University — made a presentation here. He's part of an organization of about 300 members around the world that focuses on this very issue, and his point is just that. He was in my office in Hamilton on Friday to talk to me further about this, to make that point, to ensure that I understood that the point of view being expressed by him and you is that this is one of the building blocks of human rights, of a real democracy, and therefore needs to be taken a lot more seriously than people may have to date.

You mention international conventions. His point was twofold, if I'm not misrepresenting what he put forward. One was that we not only have obligations in terms of being signatories to these kinds of conventions and other international documents that we have a moral, if not a legal, obligation to uphold; but also, those conventions can only have meaning when some of the — if I can use the term — great democracies of our time, like Canada, sign on voluntarily and if there are enough Canadas of the planet that join in. Then, when the rogue nations violate those conventions, it means something, because a standard has been set and accepted around the world. He was arguing from the point that there are these two aspects to it: our obligation, on the one hand, as signatories, but secondly, our moral and ethical obligations to recognize that without the Canadas of the world signing on to these conventions, they don't have meaning, and if they don't have meaning, at this point there's nowhere else to go to say to jurisdictions like Mike Harris's government, "You're violating basic, fundamental accepted covenants of democracy."

Mr Vandezande: Especially since Canada signed on voluntarily and all the provinces signed on in the process.

Mr Christopherson: Individually or through the national process?

Mr Vandezande: They have to. That's the only way Canada can join as a signatory to an international covenant. It must, prior to the signing of that covenant, obtain the approval of the provinces as a Confederation.

Since Canada did that voluntarily, it not only binds itself but it also, as Professor Adams pointed out, has not only a moral obligation and an ethical obligation but also a legal obligation. As you may know, there is a process in which a violation of a covenant that Canada is signatory to

can be taken to the United Nations, and currently there is one before the United Nations with respect to the education policy of this government and previous governments.

I just want to point out that in addition to there being the possibility of launching grievances or legal actions in Canada, there is also the possibility of access to the United Nations' procedure. But in my view it shouldn't be necessary. At the very time in human history when human rights are being violated increasingly around the world, we should be, and I think Lloyd Axworthy and others have been in the forefront, saying, "We've got to do something about it." Ed Broadbent was the chair of the international institute. Warren Allmand now is. There are key Conservative, Liberal, New Democrat and other people on that board. It's going to be a blemish on the good name and the good reputation of Canada when one of the provinces that signed on to these conventions violates those conventions, violates the charter and violates its own Ontario Human Rights Code.

1600

The Chair: We'll move to the government members.

Mr Frank Klees: My colleague Mr O'Toole will follow my question. Mr Vandezande, I appreciate your submission today. You are a student of the Ontario Labour Relations Act, are you?

Mr Vandezande: Not a student. I've worked with it a lot when I —

Mr Klees: Okay. Then can you tell me —

Mr Vandezande: Just a minute. Let me finish. I made many appearances before the Ontario Labour Relations Board and particularly defended the rights of workers who had organized in a trade union or who, because of their religious or conscientious convictions, could not in good conscience join or pay dues to a trade union. I probably have appeared before the labour board 100 or so times.

Mr Klees: Then I'm sure you can tell me how many groups there are that are excluded from the jurisdiction of the Ontario Labour Relations Board in the province and are precluded from unionizing in the province.

Mr Vandezande: People who are in management are not allowed to.

Mr Klees: Yes. Some more?

Mr Vandezande: To my knowledge —

Mr Klees: Do you have any idea how many groups there are?

Mr Vandezande: No, I have no exact number. But to my knowledge, this Legislature has never passed a bill which specifically singled out and excluded a particular group of people from enjoying their constitutional rights and freedoms. That is the concern of —

Mr Klees: But you are aware that there are a number of groups in Ontario that are excluded. I'd like to just ask you this question —

Mr Vandezande: Let's assume that's true, Mr Klees. Then maybe we could look at those as well and make sure that they are not being discriminated against unfairly.

Mr Klees: Let's put it into the context of reality. The fact is that it's very impractical to include some groups. I'd like to ask you a question about —

Mr Vandezande: But at one point it was argued that it was very impractical to have native people enjoy their human rights.

Mr Klees: Sir, I am trying to understand your position on this —

Mr Vandezande: Oh, I'm sorry. I thought you made a point and I wanted to counter it.

Mr Klees: I'm trying to understand your position on this and follow some logic.

I'm looking at an article here from the Sarnia Observer today. It refers to the workfare program in Sarnia-Lambton. It quotes Rose-Ann Nathan, who is the area manager for the Heart and Stroke Foundation there, who refers to the fact that they have only two paid workers in their office and rely on 1,500 volunteers to help them do their work. Are you in favour of having those 1,500 volunteers unionized?

Mr Vandezande: First of all, let's make a distinction between a volunteer who, for no pay whatever, offers his or her time and services. My wife and I volunteer all kinds of hours, but we don't get paid for it.

Mr Klees: Should you be unionized for that?

Mr Vandezande: No, but we're talking here, with respect, about people who are being paid, who are being employed, who are required to obey an employer's instructions, who have no right —

Mr Klees: Help me here.

Mr Vandezande: Let me finish — who have no right to bargain for themselves even.

Mr Klees: When you and your wife volunteer elsewhere, do you have other income from another source, other than the place you're volunteering for?

Mr Vandezande: At times we do, and at other times we don't.

Mr Klees: If someone were to come along to you and say now, "Although you have income from somewhere else, with the fact that you're volunteering here, we want to unionize you" — because, sir, that's precisely what is happening here —

Mr Vandezande: Mr Klees —

Mr Klees: Let me finish. No, you need to understand, because it's clear that you don't understand the program.

Mr Vandezande: I am the witness. You asked me a question and I shall answer it now.

Mr Klees: The problem we're facing here —

Mr Vandezande: There is a fundamental distinction between a volunteer who does not get any remuneration for his or her service —

Mr Klees: That is precisely what is happening here.

Mr Vandezande: — and a person who, as a condition of his or her entitlement to welfare, must work and then get paid. There is a fundamental difference.

Mr Klees: Then you don't understand the program, because that is not the case with the Ontario Works program as it is being administered in Ontario.

Mr Vandezande: We met with Janet Ecker, the Minister of Community and Social Services, and she made it very clear to us under which conditions people must — and that's her word — "must" work.

Mr Klees: I think you're misquoting the minister.

Mr Vandezande: You are in that situation depriving these people, who must work for a particular employer for a particular amount of pay, of their right to collective bargaining and union representation.

Mr Klees: The record will show that you're misquoting the minister on that.

Mr Vandezande: I'm not misquoting.

Mr Klees: Well, you are. The mandatory aspect of this program —

Mr Vandezande: How do you know? You weren't even at the meeting.

Mr Klees: I understand the program. The program is very clear that it is mandatory to participate in Ontario Works. That is not necessarily the community participation component. That involves training, involves the employment support component and involves the employment placement component. Within the context of that, individuals have options to participate in a number of ways. No one under this program is being forced to work. I think it's very important to have that in context.

Mr Vandezande: Maybe that should go on the record.

Mr Klees: Absolutely, that's why I said it.

The Chair: Thank you very much for your presentation. We very much appreciate your coming forward. As we have no further —

Mr Peter Kormos (Welland-Thorold): On a point of order, Chair: I understand there's a little bit of time for the committee until the next slotted time. I want to raise again, and very seriously, Chair —

The Chair: This is a point of order, and your point of order is?

Mr Kormos: Yes, very seriously. I'm talking about the order of the committee and the manner in which the Chair may or may not regulate it. This goes to the business of asking a question and then, if one doesn't like the answer, interrupting or trying to drown out the answer. I've watched those American television shows also, where the lawyer interrupts the witness midway and implies, "That's it, that's as much as I want to hear from you." That only works on television. Nowhere, in any procedure, in any court of law, in any quasi-judicial tribunal, is the questioner permitted to turn off the tap once he or she has turned the tap on, if I may use that analogy.

I know it's frustrating. I know I've asked people questions — that's why one the maxims is, "Don't ask a question that you don't know the answer to." I find it frustrating as well when a witness, in response to my question, carries on and destroys my premise. I find that a most disquieting experience, but none the less, that's what it's all about, that's what happens.

The Chair: And your point?

Mr Kormos: I'm asking you, Chair, to please utilize your power, your authority, to permit witnesses to answer questions. Mr Vandezande is a very capable person, but throughout his responses — and in this case it happened to be Mr Klees; it could have been others — Mr Vandezande was trying to respond to questions and it appeared that

when Mr Klees didn't like the tone of the response, he would try to shut down Mr Vandezande.

My submission to you, Chair, and I submit this is all about order, very much a point of order: It's your responsibility and within your power, with all due respect to you, to ensure that once a witness is asked a question, that witness is entitled to respond to it.

I appreciate that a witness may go on and meander off into the state of the weather and so on. I submit that then it may well be perfectly open to the Chair to say, "Please, witness, you're no longer on point." But we can't have this business — I don't care whether it's from Mr Klees, from me, from Mrs Papatello, or whoever it is — of asking a question and if we don't like the answer, shutting down the answer, trying to turn the tap off once we've turned it on.

The Chair: We had a similar conversation earlier on about aggressive questioning, in the same fashion. I think we're dealing with the same sort of situation where aggressive questioning could come under scrutiny as well. I believe the presenters in all cases, as took place yesterday, were fully able to answer on behalf of themselves. I saw no problem with the presentations or the presenters yesterday or today answering in the fashion that they saw best.

Mr Kormos: If I may, Chair, I found it very difficult, when Mr Vandezande was trying to answer the question, to have Mr Klees speaking over him. I trust that the Hansard will endure the same sort of difficulty.

Please, aggressive questioning does not constitute interrupting a response to the question. I have no qualms about aggressive questioning. Feel free, especially in the case of Mr Vandezande. He's not naïve, he's not a neophyte, he's not a babe in the woods here, so to speak. By all means, question Mr Vandezande as aggressively as you want; put him right up against the wall. But please, then give him the opportunity, or any other participant in these proceedings or any others, to answer the question.

I don't want to confuse this with the issue of aggressive questioning. I tell you, there is simply no other forum anywhere that I'm aware of that permits a questioner to turn off the answer if he or she doesn't enjoy the tone.

The Chair: Further discussion?

Mrs Papatello: Mine is a simple request, Chair, of a response, if you have one, from the request made yesterday regarding one of the government members attempting to have certain elements of the presentation removed because it wasn't viewed to be seen as pertaining to Bill 22. You were going to check to see if there are precedents. Do you have an answer for that today?

The Chair: I will have an answer for you today.

Mr Klees, you had a point as well.

Mr Klees: Yes, I did. Chair, with all respect to Mr Kormos's opinion, the remaining time, when the presenter is finished, is divided equally among the caucuses to be used as the caucus deems appropriate. When I, as a member of this committee, have a question, I expect that I also have the right to conclude that question. I have a particular logic perhaps to follow in asking my questions. When I

have had the appropriate response, in order to complete my line of questioning, I think it's only appropriate that I have an opportunity to thank the questioner for his response and to move on to my next question or series of questions. That would be a mutual respect afforded to each other in this place between the presenter — who I would expect would also respect whoever is doing the questioning. For Mr Kormos to suggest to me or anyone else on this committee as to how they should conduct the questioning is out of order.

1610

The Chair: Okay. Further discussion. Seeing none, I will —

Mr Kormos: If I may?

The Chair: Short. I've heard enough discussion on this to now make a decision.

Mr Kormos: Please, sir.

The Chair: It's going to be very short, Mr Kormos.

Mr Kormos: You say you've heard enough.

The Chair: Yes.

Mr Kormos: You don't know what I'm about to say.

The Chair: You had an opportunity.

Mr Kormos: Sir, I am entitled — please, this is the problem we're getting into. The Chair wants to be hasty. This is a serious, serious issue. I'm not raising it to be frivolous. I hear what Mr Klees has to say. I quite agree that the caucus can utilize their time for whatever they want. They can utilize their time to engage in a monologue. They can utilize their time to extend it 100% to, for instance, the participant in the hearing.

It is totally, I suggest to you, inappropriate to ask a question and then somehow want to turn it off when you feel, as the questioner, that the answer is no longer desirable. You open the door, you ask a question, you get the answer, and you live or die with that answer. I submit that's within the Chair's prudence to deal with that. Otherwise, the participant can go home. Go away, Mr Vandezande. Don't bother coming here; don't bother engaging in this dialogue. I can monopolize the five-minute time that's given to my caucus, but if I want to engage Mr Vandezande or any other participant in a question and response, I've got to live with what he says in response to my questions. I may not like it, but that doesn't entitle me to cut his answer short.

The Chair: This committee will sit in recess until 1625, at which time I will give both responses.

The committee recessed from 1613 to 1631.

The Chair: I call back the standing committee on administration of justice.

First of all, I was asked to make a ruling on yesterday's question by Ms Papatello. That is as follows:

At yesterday's meeting in the committee I asked presenters to address their remarks to Bill 22, which is the only matter referred to the committee that we are authorized to consider. As Chair, my intent and practice will be not to scrutinize the presentation line by line, but instead to ensure that the members and witnesses addressing the committee direct their speech to the matter under discussion. I am obliged to do this as Chair both by the standing

orders of the House and the time allocation governing these proceedings.

Secondly, in regard to the line of questioning, very clearly the presentation time allotted to the presenters allows them to make a presentation. The remaining time that's divided between the three caucuses afterwards — the line of questioning in there — is up to the questioning caucus. Clearly, the standing orders governing the House indicate that we should have one speaker at any one time. In order to maximize the time allotted to the caucus's questioning, I will, once determined that a question has been answered in the eyes of the questioning caucus, bring the committee to order to allow the questioning to proceed. Understood?

Mr Kormos: No, it isn't, Chair. You said once you consider that a question has been answered in the eyes of the questioning caucus.

The Chair: Yes.

Mr Kormos: What's wrong with your eyes?

The Chair: Quite clearly, I —

Mr Kormos: A little mixed metaphor there, but what the hell.

The Chair: What you're asking me then is to determine the response that is appropriate for the responding individual. When a question is asked, the questioner is the one to determine, because it is their caucus that is doing the line of questioning. Once they have determined they have received the answer that they are looking for, then we can proceed on to the next questions.

Interjection: It's fair and resolute.

Mr Kormos: I've got to tell you, with respect, I don't agree with you, because once again that means — hold on — that if I ask a question and I get an answer that I consider unfavourable, I can shut the respondent off like, as I say, shutting off a water tap.

The Chair: When it comes to your opportunity, Mr Kormos, you will have that opportunity to do so.

Mrs Pupatello: Just to be clear then on your first ruling, given what you've now ruled as far as not reviewing the presentations line by line, I'm suggesting that the behaviour at the last set of hearings, the process would stand whereby they can, if they choose, discuss bills like 142 because of its obvious relation to Bill 22. That would be something that the government members might want to take note of because they were the ones who were critical to begin with.

Mr Kormos: Please, Chair, further, I realize this is tiring and frustrating. I sympathize with you, but that's why you're making the big bucks. That's why you make almost \$10,000 a year more, for being Chair, in addition to your base salary of \$78,000.

Interjection.

Mr Kormos: Well, that's how much you make.

With respect to the matter of relevance, just as Ms Pupatello indicates Bill 142 is clearly relevant, I put to you that standing order 124 is clearly relevant, especially my request for a hearing under standing order 124, because the only reason Bill 22 is here and the only reason it is receiving eight days of hearings is so the government

can quash our efforts to have the Premier's office's or his own involvement in the murder-slaughter of Dudley George, that inquiry —

The Chair: Thank you, Mr Kormos.

CANADIAN UNION OF PUBLIC EMPLOYEES, ONTARIO DIVISION

The Chair: We will now call the next presenter, the Canadian Union of Public Employees, Ontario division. If you could come forward and identify yourselves for Hansard, we would appreciate it. In case you were not present earlier, there is a total time allotted of 30 minutes. At the conclusion of your presentation, any time remaining is divided equally between the three caucuses. You may begin.

Mr Sid Ryan: Thank you for the opportunity to make a presentation this afternoon. I'm joined by Margaret Young, a researcher from our national department. My name is Sid Ryan. I'm the president of CUPE Ontario.

The Ontario division of the Canadian Union of Public Employees represents about 180,000 workers in Ontario. Municipal social service workers and workers in many community agencies are included in the many locals we represent. We also represent municipal, school board, health care, social service and university workers.

We made our views on Ontario Works known to the government in our submission on Bill 142, the Ontario Works Act and the Ontario disability support program. Despite widespread opposition to workfare by social justice groups, faith groups and unions, the government rammed through Bill 142. Now the government is trying to make workfare a reality in Ontario.

We are here today to make a submission on Bill 22, the Prevention of Unionization Act. This is a four-page bill that speaks volumes about the government's attitude to the poor on the Ontario Works program, to working people, and to activists trying to promote a vision for Ontario based on principles of equality and economic justice.

The circumstances leading up to these hearings are tainted by the Conservatives' cynical approach to important issues facing the people of Ontario. We ask this committee to ensure that the hearings into the events at Ipperwash are held immediately. This government has ignored the calls by aboriginal peoples and those involved with human rights and justice groups. We all need to know the circumstances and the conditions that led to the shooting of Dudley George at Ipperwash. This government has revealed a level of cynicism about fundamental human rights that is shocking.

The people of Ontario now realize that this government, through its legislation and policies, presents a threat to fundamental shared principles of justice and basic constitutional and human rights. Bill 22 presents another example of how the Conservatives want to undermine basic rights.

We would have thanked Bob Wood, MPP for London South, for falling asleep during the final reading of Bill 142 if we thought his somnolent state was meant as some

form of protest against Ontario Works. However, we knew better. Bill 22 is designed to do more than redress the incident where the section limiting employment and labour protections was not passed. It is carefully orchestrated manipulation, an attempt to portray antipoverty and union activists as thwarting reform to welfare. This is not reform of welfare; it is a mean-spirited scheme to reduce the government's welfare costs. At the same time, basic rights of association are being denied to persons in the Ontario Works program through this legislation.

Workfare is designed to punish people. The government wants us to believe otherwise. They claim the old system wasn't working, that welfare rates were too high and the system offered neglect instead of real help. The problems they cited were that too many people were on welfare and that rates were too high. Too many people had access to the system, according to the government.

Somehow Ontario Works would be a panacea to all that ailed the system. But the Conservative view of all that ailed the system was simply the numbers on welfare, the levels of income support and the obstacle welfare presented to creating a vulnerable low-wage workfare.

We have good reason to be sceptical that this government has any intention of doing anything to help people find decent, secure employment. They are following a model designed in the United States, pioneered in Wisconsin, refined in New York and now imported into Ontario. The Governor of Wisconsin once claimed that the purpose of workfare was to dissuade people from applying for welfare. The statistics the government keeps only tell how many people have left welfare; they don't tell us what has happened to people pushed off welfare. Here is some of the information available:

A New York state agency reported recently that two thirds of those dropped from state welfare rolls have not found jobs. Finding a job was defined as earning as little as \$100 in three months, less than pocket change for many middle-class teenagers.

1640

The Wisconsin welfare experiment, called Wisconsin Works, is widely cited as a success by experts in the United States and Europe. With unemployment at 3.2%, if welfare reform can work anywhere, it should be in Wisconsin, but the reality is quite different. Evaluations are not scheduled until after the year 2000. In the meantime, there are no official data showing what has happened to the nearly 50,000 recipients cut from the rolls. As of January 1998, Milwaukee had 81% of Wisconsin's welfare caseload. Shelter and food pantry use have soared.

Minister Ecker cites a survey they did showing that 62% of those who had left welfare had found jobs. This number is very low, especially since only those with telephones could be surveyed. We suspect that if this survey had been done properly, the numbers would show that far lower numbers found employment. There has been no follow-up.

We contend that this government doesn't care at all what happens to people once off welfare; they only care about keeping the numbers down. Studies have shown that

workfare is not an effective route to employment. Workfare is designed to reduce the numbers of people on welfare by discouraging people from applying for welfare income support and cutting people off for non-compliance with the myriad of rules.

Our CUPE welfare case workers and community social service agency workers tell us of the misery faced by people under this government's cuts to social programs and welfare. CUPE has held hearings across the province on the impacts of this government's policies on children. We heard from one of the food banks in Thunder Bay that is now feeding 220 children four meals a month to allow their parents to stretch their inadequate incomes to simply feed their children. We heard from a soup kitchen in Sault Ste Marie that is feeding 200 children daily. The population of Sault Ste Marie is only about 80,000 people. Now people living with their families can only receive \$50 per month for necessities. It is impossible to survive on this paltry sum. This government is driving people to desperation. The situation will only get worse now that single moms are to be forced into workfare.

The welfare system in existence before this government took power was by no means perfect, but it was a system that had the objective of helping people make the transition from welfare to work. It was not a passive system that merely provided cheques, as claimed by Minister Ecker. Previous governments had embarked on a series of programs aimed at providing training and employment assistance to persons seeking employment.

CUPE represents most of the people delivering Ontario Works. We are hearing cries of frustration from our members. They trained for their jobs because they wanted to work with people. Now they spend little time with clients but a lot of time facing a computer terminal inputting information to ensure compliance with the legislation is achieved. Their discretion to help people and seek creative employment programs has been handcuffed by Ontario Works. Local initiatives are discouraged by the program. They feel they no longer have any real ability to help people, but feel more like enforcement officers. The frustration is so high, some members are now seeking alternative employment. Participating in a system designed to punish people, not to help them, is intolerable.

Monitoring workfare placements is very difficult because of the lack of candour by this government. On the first day of hearings into this bill, the minister was asked to provide the breakdown of persons in the three mandatory components of Ontario Works. We also request this information. We are confident that the data will show that the overwhelming number of people in Ontario Works are in what the government calls employment support, a catch-all category that includes job search, which was always a requirement to receiving welfare.

Let me stop here for a second and just give you some of the stats that we've picked out, because our workers are the ones on the front lines around this province. They give you an idea of how many people are actually in the workfare component of your program. This shows what a sham it is and what a joke this Ontario Works program really is.

In Toronto alone, even though we have one third of all of the welfare cases in Ontario, the city came up with a very, very modest projected number of people on welfare who would be in the so-called workfare component of the program. They said in 1998 we would have 7,500; 7,500 people projected to be in the program. They got actually 95 responses back from employers saying they are interested, and as of March of this year they only have nine people — nine — in the Ontario Works mandatory component of the program. That came from Shirley Hoy, the commissioner responsible, in her report to city council in March of this year. We have close to 300,000 welfare cases in the city of Toronto; nine of them are in your workfare program.

In London they're doing a little bit better. They've got projected 1,800 cases for 1998. So far they have only managed to place 35.

The city of Ottawa has a projected 3,000 placements in the mandatory component. This year alone, they've only got 77 actual placements.

Hamilton has projections of 3,500 that they hope to have in the workfare program in 1998. They have only managed to achieve 109.

I believe Mr Klees is boasting and bragging about his region having something like 1,000 people in the mandatory component. That's a joke; it's not true. He's got five. Five people in your community, sir, are in the mandatory component of workfare, right from the front-line workers, right from the director himself in your community. So it's a joke, it's a myth, it's a smokescreen you've got out there that somehow your program is working. It's a joke. We know it and you know it.

CUPE members and welfare case workers tell us that employment support is the largest category. Let us not forget that many municipalities try to minimize the workfare components in their business plans. The government rejected their plans and made them raise their targets despite the fact that the welfare administrators knew workfare was a bad idea.

Thanks to anti-poverty groups, church groups and unions, the government's agenda has been slowed down. Large numbers of community agencies have passed resolutions to refuse workfare placements.

Workfare can reduce jobs and drive down wages. The Economic Policy Institute in Washington estimates that even if all workfare participants in New York found jobs, but no new jobs were created, wages for the bottom third of the workforce would drop by more than 10%. In other instances, the employed and unemployed will switch places. In still others, homelessness will simply increase.

A recent New York Times series described how 20,000 New York City municipal jobs are now done by workfare participants. Workfare participants are also filling jobs in New York's hospitals and private industry.

The treasury in New Zealand has estimated that for every four workfare placements created, one job would be lost.

Quebec changed its welfare program dramatically when a poll of participating employers found that 50%

would have hired workers at real wages had workfare participants not been available. Workfare quite simply is a job killer.

New York has a law stating that workfare will not replace jobs. Despite this, thousands of people on workfare are doing work that was once done by paid municipal and hospital employees. In Ontario, we only have a guideline that says workfare participants will not do any work that had been done as paid employment within the past two years. We know what is in store for us when we look across the border. We can also see from some of the few examples of workfare placements in Ontario that they have not followed their own guidelines. In Cornwall, for example, we've had workfare placements replace student jobs at a local marina, replace workers who had worked for a local recycling company and replace a receptionist at a local social agency. We have heard of agencies posting workfare placements in associations for community living, children's aid societies, hospitals, libraries and municipalities. These are the kinds of workplaces where CUPE represents the workers.

We oppose workfare because it kills jobs and puts downward pressure on wages. We are opposed to the policy of providing the shortest route to employment, as these policies provide no investment in people and lock them into low-wage, precarious jobs.

Talking about the private sector, we represent workers in many of the community agencies that have rejected workfare. Our members know about the studies that show that workfare doesn't lead to work. The government has cut these agencies. Some agencies even feel that their funding will be at risk if they resist the pressure to accept and monitor people on workfare placements. They feel they have been conscripted into the government's workfare scheme if they are forced to supervise welfare recipients. At the same time, they feel their jobs are threatened and the government undervalues their work.

Now the Ontario government is proposing to subsidize private sector employers if they hire workfare participants. The poor would be working for substandard wages at businesses such as Home Hardware, McDonald's and Eaton's.

Moving workfare into the private sector means that everyone's job is now vulnerable. The unemployed, contract workers and summer students will be competing with \$3-an-hour workfare participants. Downsized workplaces will be able to access cheap workers. Large corporations in the United States now rely on subsidized workfare workers instead of paying decent wages. To paraphrase a prominent leadership candidate for the federal Conservative Party, we now have socialism for large corporations and rugged individualism for the poor. Bill 22 is prescribed and enforced rugged individualism for persons on workfare placements.

We believe there are alternatives. We are in favour of policies that encourage the creation of decently paid and relatively secure jobs. We are in favour of voluntary publicly delivered educational and training programs to assist people to get these jobs. Under previous government

programs there were waiting lists for programs that assisted people to find employment. We see the provision of high-quality, publicly regulated child care as a condition to helping people join the workforce.

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CUPE, the Ontario Social Safety Network and other groups have recommended that any programs must be governed by certain principles, including:

People must not be forced to take part in such programs.

Training should be paid and work expenses should be covered, including clothing and transportation costs.

Good child care must be provided.

Any training must be useful.

Mentoring and training that can lead to genuine employment should be part of any program.

Programs must not eliminate jobs or potential jobs.

People working in programs must be paid a fair living wage.

Participants should be covered by labour legislation, including employment standards, health and safety, workers' compensation and human rights laws.

People who have lost their benefits must be able to appeal to an independent tribunal.

Programs should not be started unless resources are available to do them properly.

We believe that Bill 22 contravenes constitutional rights. Bill 22 will prevent someone in a workfare program from exercising his or her fundamental freedom to join a union and have the terms and conditions under which he or she participates determined through collective bargaining or a strike.

One thing this legislation does is clarify for everyone that the work done by people in workfare programs is work. Otherwise, the government wouldn't feel compelled to introduce this legislation.

Unions can provide effective protection for persons forced into workfare. People on workfare would have access to the advocacy resources of unions. They would have a say in their workplaces instead of being vulnerable to employers' actions against them. They would get protection from sexual harassment, health and safety infractions, and about other essential conditions of the workplace. Workers need these protections, but this government wants to strip them of their rights. A person on workfare can lose benefits for six months simply by missing a day of work.

Minister Ecker claimed in her presentation to this committee that it was a myth that people in workfare programs did not receive workplace protections that others receive. We disagree. Legislation barring people from their fundamental constitutional right of freedom of association is a very serious violation. The whole purpose of this legislation is to discourage and prevent people from joining unions.

Aside from being a violation of our constitutional rights, Bill 22 also contravenes our international obligations. Freedom of association has been well established as a fundamental human right for at least 50 years. It is

prominently referred to in the Universal Declaration of Human Rights. Its status as a basic human right was reaffirmed in the covenants of the United Nations, adopted in the 1960s. It is referred to as a fundamental democratic right in the constitution of the International Labour Organization, the UN agency that deals with labour matters.

Canada is a signatory to ILO convention 87, concerning freedom of association and protection of the right to organize, which has been interpreted by the ILO to protect the right of employees to bargain freely with employers and the right to seek to improve their working conditions through trade union representation and collective bargaining.

This bill, if passed, is a very serious breach of all our fundamental freedoms. We also believe workfare constitutes discrimination on the basis of social conditions, a violation of our constitutional equality rights and in violation of the UN International Covenant on Economic, Social and Cultural Rights.

The minister, in her comments, makes it clear that the bill was introduced as "The direct result of some Ontario labour leaders attempting to sabotage welfare reform.... They have been actively harassing community agencies participating in Ontario Works and they are now attempting to unionize welfare recipients."

I want to tell you at this point that this legislation won't prevent organizations like CUPE from helping to organize workfare recipients. If this bill passes, we are going to conduct very shortly thereafter educationals for people on welfare who are forced into workfare programs. We're going to turn them into union organizers, and we're going to send an army of union organizers into every workplace where you use workfare recipients. In particular, when you use them in the private sector, we will be training workfare recipients to go into Wal-Mart to organize those other employees in Wal-Mart and sign up union cards so they can come to the Steelworkers and the Auto Workers and CUPE and every other union in this province.

So I really want to thank you for this legislation in a roundabout way, because it is going to give us a foothold in these workplaces that we've never had before, so we can send in our union organizers. Very shortly you'll be hearing more about that program, where we're going to turn everybody on workfare into a union organizer. That's taking a leaf out of the book of the United Farm Workers of America, who believe that every union member is an organizer. We believe every workfare recipient too can become a union organizer. That's our goal. So in one sense I want to thank you for that.

Some 17,000 New York City workfare participants recently signed union cards. Most of them have been working for the city for more than three years, often side by side with real municipal employees. They have become part of the permanent labour workforce. They want to be treated as such. It is these kinds of reports that have inspired anti-poverty groups, social justice groups and unions to consider this strategy to prevent the exploitation of persons on workfare.

CUPE, in coalition with social justice groups and anti-poverty groups, wants to work to train people on welfare to know their rights and become workplace advocates. We want to prepare them so they will not be exploited in the workplace and so that they advocate for others on workfare. We want these people to have the same rights as other workers, including the right to join a union. If this government attempts to prohibit people from joining a union, like I said, we will train them to be organizers in their workplaces.

Maybe it is time for the minister to start listening to social justice groups, religious groups and the union movement instead of cynically trying to create a media-orchestrated attack on unions on the backs of vulnerable people on welfare. These are serious human rights violations you are considering with the introduction of this bill.

The labour movement, with our community partners, has been working to prevent the victimisation of persons in receipt of welfare. We have been trying to promote job creation policies and employment programs to help people find work. We vehemently disagree with this government's so-called welfare reform.

Decently paid, secure jobs are the only solution to the welfare problem. Social assistance recipients who are capable of working want jobs. The majority collect welfare for less than four months, not for a lifetime, despite the fact that these are desperate times and jobs are not that easy to find. Workfare is bad policy. Don't let workfare become a way of existence, as it is in the United States, where a permanent part of the workforce is dependent on workfare programs for the most minimal existence. Get rid of Bill 22 and workfare and stop the creation of a two-tier workforce. Thank you for taking the time.

The Chair: Thank you very much. That allows us approximately two minutes per caucus for questions. We begin with the third party.

Mr Kormos: I'm going to relinquish my time to Mr Klees of the Tories, subject to their using it. If they don't use it, I'll use it in the rotation.

The Chair: Government.

Mr Klees: We're happy to do that. The first question is to my colleague.

Mr Dave Boushy (Sarnia): I have a couple of questions. The first one is, if our program is not working, with only a few registered, as you have indicated, then why is organized labour so excited about unionizing them, if it's only a handful of them, according to you?

Mr Ryan: First off, one of the reasons your program is not successful is that we've managed to scuttle it. We've managed to put the spotlight on this program and show its stupidity, that it doesn't work, that it doesn't move people from welfare into real jobs. We've demonstrated that by giving you examples of other jurisdictions such as New York, Quebec and Wisconsin, where clearly it has been a flop.

We've also demonstrated to the public that this is a job killer. Workfare kills jobs. It helps to displace people who have good, full-time jobs right now. It puts them out the door and it brings in a cheap pool of labour. That's why

your program is not working: Municipalities have taken a look at this and they don't buy it for one second. We've lobbied municipalities, we've lobbied agencies, we've lobbied workplaces. We're very proud of the fact that along with our social partners, we've managed to kill your stupid program. That's why it's not working.

For those few people who are now being forced into the employment placement, in other words, the real workfare component of it, we're saying that we're going to turn those people into union organizers and, if we get the opportunity, we'll turn them into union members.

Mr Boushy: I have just one more question. Take my area, for example, the city of Sarnia. I understand three have registered.

Mr Ryan: How many?

Mr Boushy: About 3,000, and 300 have been placed. I was reading a newspaper report where the reporter went around and asked some of them where they stood and had been placed, and they said at the beginning they had some reservations about the program, but now they are doing very well and they're very happy with the program. If 3,000 have registered and 300 have been placed and everybody is so happy, why are you against that?

1700

Mr Ryan: Okay, let me explain your own program to you. I don't think you understand it. Some 3,000 people have registered for the Ontario Works program. Of that, there's a component called employment placement. We have no objections to it whatsoever. The employment placement is where people will come in and have their skills matched to existing jobs in the community.

The NDP started the program, for God's sake. We've been supportive of it. That component of it, we're not complaining about at all. The part where people receive some training to upgrade their skills: no problem with that whatsoever. It's the community placements, which you don't have 1,000 people participating in. Up in your area, in Sarnia, if you've got five people in that component of community placements, in other words, mandatory placements, where people —

Mrs Pupatello: It's 25 in Lambton.

Mr Ryan: Twenty-five, is it? Okay. That's what you've got.

We're not complaining about the two thirds of the program which was started by the NDP and which is supported by the labour movement; we have no problem. We have a problem when you say to somebody, "You are going to be forced to go down the street to some municipality and report to clean up the local river as an unpaid slave." That's what we have a problem with. That's the part that's not working in your program. People are not signing up for that component and municipalities are not finding employers who are willing to participate because they see it as nothing more than slavery.

As a matter of fact, the Catholic council of bishops have just recently come out and said that component of your program is inhumane and a violation of basic human rights.

Mr Boushy: Do you agree with the 300 total in my area? Because this number came from the director herself.

Mr Ryan: You probably will have 300 people in total but not in the community placement component.

The Chair: Thank you, Mr Ryan. We need to move to the official opposition.

Mrs Papatello: I'd love to give you all the credit for the program's failure, but I want to step back a little bit and recognize that any time a government tries to write policy regarding social assistance on the back of a napkin and tries to implement that as policy, it's never going to work. In my view, that's all that workfare ever was. It was just a propagandistic slogan they used in an election to gain votes. When people find out — in fact, they believed that people would have to work for their benefits. That's what they were told by the Tories. That's what is happening in Ontario today: People are not working for their benefits. The very few placements we've been able to find are exactly that: very few, including the city of Sarnia.

What we know is happening is quite a bit of coercion on the part of the government to force municipalities to say what they're doing, when what they're saying is not actually what the municipalities are doing. They essentially are put in a position to lie to the Ontario government. When they submitted the initial goals of implementing workfare they came in with very low numbers. The ministry went back to them and said: "Those aren't high enough. Raise those goals." Then they came back from Lambton and said, "Our goal will be maybe 500," but the reality is that it's simply not happening in the municipalities because the people who actually deliver programs know that this kind of program doesn't work. In fact, it has not worked.

The only reason I'm thankful that we're actually going to be able to tour Ontario, having more public hearings than the entire workfare bill had to begin with because we had sleeping beauty from London South sleeping through subsection 73, that has now created an entirely new bill to slam labour so that they can go and get their political hits again at a cost of over \$700,000 of taxpayers' money — I am looking forward to taking that around Ontario and I'm hoping that we go to North Bay.

The Chair: Thank you very much for coming forward.

Mr Ryan: May I answer that, please.

The Chair: I'm afraid the 30 minutes of time has been used.

Mr Ryan: But the question was asked. Surely I should be allowed to answer the question.

The Chair: No. Thank you very much for your presentation. We very much appreciate your coming forward.

Mrs Papatello: There's a third party that has time, Chair. You used two parties only when there are three.

The Chair: Four minutes were used here.

SERVICE EMPLOYEES INTERNATIONAL UNION

The Chair: I would now call representatives from the Service Employees International Union. If you could come

forward, please. Before beginning, if you could identify yourselves for Hansard we would greatly appreciate it. In the event that you were not here earlier, there is a total time allotted of 30 minutes. At the conclusion of your presentation, any time remaining is divided equally for questions and answers between the three caucuses. You may begin, please.

Ms Sharon Abrahams: Good afternoon. My name is Sharon Abrahams and I am an international researcher with SEIU. To my right is Dave Eales, president of Local 220; and Brenda Snider, vice-president of Local 220.

Members of the standing committee on administration of justice, good afternoon and thank you for the opportunity to make representation on behalf of Service Employees International Union with respect to Bill 22.

Service Employees International Union is an international union with over 80,000 Canadian members and 1.2 million members across North America. The first SEIU members in Canada were a group of 90 custodians and window cleaners who were chartered in 1943 as Local 244 in British Columbia. In the early years, health care workers affiliated in the greatest numbers, and although SEIU is still primarily a health care union, we now represent workers employed in all walks of life. We work as groundskeepers at cemeteries, counsellors at women's shelters, maintenance workers at school boards and universities, mutual clerks at racetracks, laboratory technicians, home care providers, janitors, nurses, cooks, office and clerical workers, golf course workers and many other professions. SEIU will stand up for the rights of workers in this province, and Bill 22 is a direct attack on those rights.

On May 14, 1998, the Honourable Janet Ecker, Minister of Community and Social Services, told the Legislature that she would be introducing An Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act, 1997. This act became known as Bill 22 and is the reason why we find it necessary to be here today to address you.

If Bill 22 is passed it would provide that the Labour Relations Act, 1995, does not apply with respect to participants in a community participation activity under the Ontario Works Act. Its purpose would be to prevent those participants from joining a union or from striking.

Bill 22 is in response to unions threatening to organize welfare recipients who participate. The London and District Labour Council recently threatened to picket 48 community organizations and to withdraw their financial donations if those agencies participated in Ontario Works. In Thunder Bay, SEIU Local 268 had several welfare recipients sign union cards. Of those who signed cards, four were actually assigned to work sites on the workfare program.

Jack Drewes, then-president of SEIU Local 268, was quoted in the Thunder Bay newspaper on May 19, 1998, as saying: "We're going to do battle.... If the government can legislate a different class of citizen, it bodes doom and gloom. Once we organize workers, we'll take the

challenge to the Supreme Court. It's all about the right to association."

In Thunder Bay, the city has identified 500 people who are workfare-eligible and the cost is approximately \$2.1 million per year. With that money the city could create over 100 real full-time jobs at wages above \$10.00 per hour. These jobs are forced labour, providing only a short-term solution.

This bill also comes as a direct attack on unions that presently have a right to associate with, and sign up, people who are on workfare under the Ontario Labour Relations Act and the Charter of Rights and Freedoms.

Freedom of association is a hallowed right of the Canadian people and all workers in Canada should have the freedom to exercise that right. The bill clearly creates a second, or might I say a third, class of workers in this country who do not have the right to fair working conditions and wages or even to associate with whatever union they may choose. The bill clearly discriminates against the poor, as well as against single parents who are disadvantaged enough without this further abrogation of their human rights.

Should this bill pass, SEIU is prepared to start a legal challenge. You may recall SEIU's successful charter challenge to schedule J of the Savings and Restructuring Act, 1996, which amended the Pay Equity Act and did away with the proxy sections of the Pay Equity Act — how the women of Ontario, who were the least paid and most discriminated against in terms of wages, were again discriminated against by the Harris government through the abolition of this right. SEIU successfully challenged the changes and those women's right to pay equity was restored. However, the women of Ontario unfortunately are still waiting for the promised funding for the pay equity.

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Another successful legal challenge on the amendments to the Labour Relations Act would certainly cement the impression that this government is anti-equality and anti-fairness for the working people of this province.

The legal challenge would be based on the following:

(1) Section 73.1 of the Ontario Works Act infringes section 2(d) of the charter, which is the section that deals with freedom of association:

Section 73.1 of the Ontario Works Act states that no workfare participant shall join a union, have the terms and conditions under which he or she participates determined through collective bargaining or strike;

(2) The bill discriminates against people who collect welfare under section 15 of the charter, which is the equality section;

(3) Generally, the Ontario Works Act has an adverse impact on and discriminates against single mothers. That's the grounds of sex and marital status under section 15 of the charter; and

(4) The bill offends section 7 of the charter that protects life, liberty and security of the person.

Recently the Ontario Court of Justice held that the section 2(d) right under the charter protects an indi-

vidual's right to form an association. An Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act, by preventing workfare participants from joining a union, clearly in our view violates the right of freedom of association under the charter.

In addition, Bill 22 violates many of the International Labour Organization conventions, such as ILO number 87, which was entered into force on July 4, 1948. Canada is a signatory to that agreement, which states as follows:

Under Article 2: "Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization."

Article 11 states: "Each member of the International Labour Organization for which this convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organize."

In the words of Roy J. Adams, who is chair of the steering committee, Society for the Promotion of Human Rights in Employment: "Freedom of association is one of our most well-established international human rights standards. It is included in the Universal Declaration of Human Rights, the covenants of the United Nations, the constitution of the International Labour Organization, and has recently been reaffirmed by such politically disparate organizations as the World Conference on Human Rights, the World Social Summit, the Organization for Economic Co-operation and Development, the World Trade Organization, and the International Organization of Employers."

The standard establishes, in the words of the UN's International Covenant on Civil and Political Rights, that "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his or her interests."

Your prevention of unionism act, which expressly forbids workfare participants from joining a trade union, violates this international human rights norm, placing your government in the company of a very few others worldwide who openly stand against this cornerstone of democracy. It is also contrary to Canada's obligations as a member of the United Nations and the ILO, and it almost certainly offends Canada's Charter of Rights and Freedoms.

Members of the government, we urge you to withdraw this most offensive bill immediately.

I ask that Brenda speak.

Ms Brenda Snider: I work with the elderly, a career I have chosen, not been forced into. It takes a special person for different jobs. How is a worker's self-esteem and morale risen by forcing them into a job that is not within their heart?

But now wait a minute. If you force people into labour, why don't we change the name of workfare and call it what it is: forced labour. That has a slightly disturbing tone, doesn't it? As a matter of fact, it seems that when Canada finds out that any other country in the world uses

forced labour, for instance China or North Korea, Canadians will cry out to stop trading with those countries.

Mr David Eales: I'm not going to sit here and read from a prepared statement. I'm just going to talk to you for a second on the facts. The reality is, workfare's evil. It's wrong. It's fundamentally wrong.

If there is a need out there for things to be done, whether it be in a hospital where you need someone to do some work, let's give someone a job. Let's give them a bit of dignity, a bit of self-respect. I don't think there are too many people sitting around out there waiting for the sky to fall when it comes to this sort of thing. People want that job; there are no ifs, ands or buts about it.

What we do really helps identify who we are, and when people have a job, it gives them some dignity and some self-respect. There are a lot of jobs out there that are needed. Let's put people in jobs. Let's make them real jobs, though. Let's give these jobs a wage. Let's give these jobs a salary. Let's not force people into doing things that they're not ready to do.

I also want to address this issue of unionizing people who are into this forced labour, as Brenda called it. Unions have organized people when it was illegal in the past, and I say to you here today, we will do it again. Laws or no laws, we don't care. We are the second-largest trade union in North America, we are the fastest-growing trade union in North America, and we will organize these people.

The Chair: Thank you very much. That allows us approximately five minutes per caucus for questioning. We begin with the government members.

Mr Klees: Thank you for coming and making your presentation. At the outset, I'd like to say to you that I agree with the speaker who said that if it's forced labour we should call it forced labour. I agree with you. The fact of the matter is, it is not that. The fact of the matter is that people are not forced to do what they're not ready to do. The fact of the matter is that I have not met one welfare recipient who's been part of this program who has been forced to do anything. In fact, we had a presentation a couple of days ago from a group — one of the gentlemen was a welfare recipient and in the course of his presentation made reference to forced labour. When I asked him what he was forced to do, he was not able to tell us, other than that he felt compelled to object to the program.

The reality is that there are many options within this program. The reality is that we recognize and believe very strongly as a government that people do want jobs, and we believe they deserve jobs. We believe they also deserve a program that helps them move into that job, so there are three components of this program. One is an assessment, a training, a skills development program that provides all of the support services in terms of transportation and clothing allowances.

Also, there is a community participation program, which we heard the former presenter, Sid Ryan, refer to, I believe, as evil. This is an opportunity for people who are not employment-ready, who aren't ready to do the impossible for them. They need an opportunity to develop some

skills, to establish some relationships in the community, to develop some self-confidence, some self-esteem that perhaps has been missing. This gives them an opportunity to participate in the community through organizations where they in fact are doing meaningful things.

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I had the opportunity to visit with many people in the province who are participating in these programs who tell me — contrary to what is being represented here, that this is an affront to their self-esteem — that it is a strengthening of their self-esteem, that it is giving them an opportunity to have that stepping stone to a paying job.

I can tell you very clearly that the representations that are being made across the province by some organizations, that this is a program that forces people to do things against their will, is absolutely unfounded. You will find that nowhere in any description of our program as developed by the government. You will find that nowhere in any municipality across the province in terms of the reality of how the program is being implemented. There are those who, yes, for their own particular reason, feel it's perhaps in their political interest, perhaps for whatever their vested interests are, to misrepresent the fact that that is what the program is.

Let me share with you that if in fact the things that you have relayed to us here in your presentation were true, certainly I wouldn't support this program, I would not support this legislation, and I have a feeling that my colleagues wouldn't either, because we do highly respect the value of the individual. That's the very reason we believe it's important that people should be given an opportunity to find jobs, that people should be given an opportunity to train, to develop experience, to volunteer their services, to get that experience, so that they can move on to a paying job, because surely a paying job is the best thing that we can do for people who are unemployed, who are on welfare. Surely a paying job is the best thing that we can give to a parent, who can in turn then provide support for their children. Surely a paying job for a parent is the best example that we can give to children in this province in terms of role models that they can look to in their experience.

The Chair: Thank you, Mr Klees. We now move to the official opposition.

Mrs Papatello: Did you want to respond to that? How much time do I have, Chair?

The Chair: You have five minutes total.

Mrs Papatello: I'll take two minutes, if you'd like to respond.

Mr Eales: Thank you.

You sit there and you say that one of the best things we can do for people is give them paying jobs. I sit here today representing roughly 12,000 hospital workers, not a real growth industry under the government of the day. A lot of these people who are now possibly being forced into this forced labour used to have good-paying jobs. There was a day when they had good-paying jobs. They were nurses in hospitals. They were caretakers in hospitals. You forced them out of these good-paying jobs. The way it looks is,

you're going to bring them back in the back door for what used to be good-paying jobs and now call it forced labour.

Mrs Pupatello: I have a quick comment. I would like your response. The fact is that subsection 73, in November of last year, failed to pass a government-majority committee because a particular member fell asleep at the committee. Another was doing correspondence. Another was out of the room. In any event, the opposition members of the committee managed to defeat the clause, number 73, which has now been reincarnated into an entire bill a page long, getting eight days of hearings, more than Bill 142 got initially, which is hundreds of pages long with thousands of pages of new regulations attached.

What's interesting about this is that we are sitting at the justice committee discussing a bill which really should have gone to the social development committee, which speaks to a whole other kind of movement of the government to keep other issues that should be discussed at justice committee, instead throwing this bill at this particular committee. As the critic of the Liberal party for social services, I can't imagine why I would be sitting on the justice committee discussing Bill 22. So we have, first, a completely inappropriate use of funds of government, taxpayers' money, over \$700,000 worth, because this sleeping beauty bill is only here because of the government members who failed to pass the subclause at committee last November.

Mr John O'Toole: On a point of order, Mr Chairman.

The Chair: Order, please.

Mrs Pupatello: Secondly, we've also had hundreds of thousands of dollars spent on an advertising campaign promoting this workfare. The intent of the advertising has absolutely nothing to do, information-wise, with having the participants actually participate, because the government already has a direct line to those people. We can only conclude that taxpayers' money, once again, is spent on pure political propaganda. At minimum, the government should have had the decency to get the PC Party to pay for it and not the Ontario taxpayers.

Mr Klees: On a point of order, Mr Chairman —

Mrs Pupatello: Stop my time, please.

Mr Klees: I believe the record will show that Mrs Pupatello considers herself unqualified to hear this by virtue of the fact that she's a member of the justice committee —

The Chair: Your point of order is?

Mr Klees: I believe she should disqualify herself and withdraw from the committee.

The Chair: That is not a point of order. We will continue with the questioning. You may respond.

Mr Eales: I don't really have any disagreement or any response.

The Chair: Mr Kormos.

Mr Kormos: Thank you kindly, sisters and brothers. First, I really want to tell you I'm exceptionally proud of SEIU, both in Canada and in the United States. Your leadership here and in the United States has made significant differences in the lives of a number of people. Among other things — and you listed some of the types of work-

ers who are members of the SEIU — SEIU has provided leadership and trade union organization to a whole lot of workers who otherwise simply wouldn't find themselves members of a trade union or a trade union movement.

In particular, and I'm going to be seeing your Brother Jack Roos tomorrow night, who with great courage, imagination and creativity, in fact has signed up workfare participants into unions. What's really interesting, and you folks hit on it, as have others — because to a certain extent you focused on the matter of denying the right to join a union, as compared to the right to collectively bargain or the right to strike.

We understand, notwithstanding that it's despicable, that governments have the legislative right to deny the right to strike to certain classes of workers. The right to collectively bargain has not been subject to the same legislative proscription, but what's interesting here is that this government is scared shitless of the prospect —

The Chair: Mr Kormos, during the last time, I was specifically asked to ensure that we maintained the conduct, and I would ask you to please maintain that conduct.

Mr Kormos: With respect to?

The Chair: Your wording.

Mr Kormos: Which ones? "This government is scared"?

The Chair: No. You know very well the wording. Please continue.

Mr Kormos: This government's been dirtying its diapers ever since Jack Roos, SEIU and other members have been talking about signing up workfare participants to a union, because they didn't have to have the proscription of joining a union. That makes you question, "Why?" Unions are the source of education, information, strength by virtue of solidarity, access to resources — yes, quite candidly, financial resources, organizational resources. It's so peculiar that this bill goes beyond the right to strike and the right to collectively bargain.

The trade unionists and the trade union movement are probably the one thing that makes this bunch of snivelling cowards — and that's what they are, because they're bully boys — quiver in their boots. I find it significant that you've been able to focus on how the right to unionize — the right to strike, we know a government can proscribe. I would never support that kind of legislation but governments have, they've ordered people back to work. But here it's the right to unionize and that means the right to join an association.

I've speculated as to why that is, but then I also wonder if the reason they threw in collectively bargain and strike isn't because their intention is to extend workfare far beyond what they're proposing now — and you've made references to this — well into the private sector, where in fact they're going to be displacing workers in low-wage retail sectors, health care sectors, the Wal-Marts, the McDonalds, the Burger Kings etc. Is that what you mean when you and others talk about workfare destroying jobs?

Mr Eales: It's the slippery slope that's started. Yes, it's a job killer. Brother Ryan talked to it earlier. I think he put it quite eloquently. There is enough factual

evidence out there. We have to look at New York. We can look at what happened in New Zealand. It's a job killer in the long run.

Mr Kormos: The other interesting observation — I don't know if you folks were involved in the Bill 142 hearings. Ms Pupatello refers to those. This purports to replace the section 73 that the narcoleptic member for London somewhere slept through, but it goes far beyond what section 73 had. Interestingly, we had a group of three women from Barrie. They were social justice advocates. I mentioned yesterday to these people that at one point in their lives they had all been members of households with spouses and children, paying mortgages and doing all those middle-class kinds of things, but then because of job losses, plant shutdowns, marriage breakups, including violence in the marriage, these women ended up being on social assistance.

They said they were sick and tired of this government proposing programs that will teach them 20 ways to cook a chicken. Their line, and I've cleaned this one up, Chair, was: "We don't have to be taught 20 ways to cook a chicken; we've known that for all the years we've been homemakers and mothers. Just give us the frigging chicken so we feed our kids. Don't send us to these

Mickey Mouse, rinky-dink programs which are designed merely to create higher and higher bars for people to have to leap over before they get a chance to share in some of the great wealth in this province." Again, just give them the frigging chicken, Chair.

Mr R. Gary Stewart (Peterborough): On a point of order, Mr Chairman: Just before the delegation leaves, I'm probably the oldest one in the room here and sometimes my hearing just isn't as good as it should be. But I'd like to ask David Eales, did you make the statement — maybe I didn't hear it right — that you and your union were advocating breaking the laws of the province of Ontario? Is that what you said to me?

The Chair: I'm sorry, that's not a point of order.

Mr Stewart: Just clarification, then.

Mrs Pupatello: Check Hansard.

Mr Kormos: On that point of order, Chair: Let me tell you, if SEIU is prepared to do it, I'll be right there with them, by God.

The Chair: Thank you very much for your presentation. This committee now sits recessed until further determined by the subcommittee.

The committee adjourned at 1732.

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Deuxième intercession, 36^e législature

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Tuesday 11 August 1998

Journal des débats (Hansard)

Mardi 11 août 1998

Standing committee on administration of justice

Prevention Of Unionization Act
(Ontario Works), 1998

Comité permanent de l'administration de la justice

Loi de 1998 visant à empêcher
la syndicalisation
(programme Ontario au travail)



Chair: Jerry J. Ouellette
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
ADMINISTRATION OF JUSTICECOMITÉ PERMANENT DE
L'ADMINISTRATION DE LA JUSTICE

Tuesday 11 August 1998

Mardi 11 août 1998

The committee met at 1205 in the Howard Johnson Hotel, Sudbury.

PREVENTION OF UNIONIZATION ACT
(ONTARIO WORKS), 1998LOI DE 1998 VISANT À EMPÊCHER
LA SYNDICALISATION
(PROGRAMME ONTARIO AU TRAVAIL)

Consideration of Bill 22, An Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act, 1997 / Projet de loi 22, Loi visant à empêcher la syndicalisation en ce qui concerne la participation communautaire visée par la Loi de 1997 sur le programme Ontario au travail.

The Chair (Mr Jerry J. Ouellette): We will call the meeting to order. Mr Carroll.

Mr Jack Carroll (Chatham-Kent): I'd like to move that members of the committee participate in visits to Ontario Works community placement sites in the future communities that we will be visiting.

The Chair: Discussion?

Mrs Sandra Pupatello (Windsor-Sandwich): If you can find them, we'd be happy to.

Mr Carroll: It would appear, Mr Chairman, from the list of presenters we have seen that we will have some excess time in the various communities that we travel to. One thing I have found out since I have been involved in this process is that I think all of us, the government members and opposition members, are interested in doing what's good for the people of the province. We have a difference of opinion about whether the Ontario Works work-for-welfare program is good.

I think there is an opportunity, as we travel around the province, to spend some time visiting community placement sites, to hopefully allow all members of the community to see that in fact the program does work, it does work for the benefit of those folks who have found themselves trapped in the welfare system. In many communities that have embraced the concept of work for welfare we have some wonderful success stories that have shown how people can break that cycle of dependency on welfare and get themselves some training and some help and establish some connections that allow them to find meaningful work. I would think that through that educational process, all members of this committee could then

maybe encourage our friends in the union movement to help us to help these folks, because I know that's the intention of the trade union people too, to help these people get reconnected, get some skills, find some meaningful work and become productive members of society, and who knows, maybe dues-paying union members.

I would like to encourage all members of the committee to participate and learn a little bit more about the benefits of Ontario Works community placements.

Mr Peter Kormos (Welland-Thorold): Wow, what an interesting motion by the parliamentary assistant to Ms Ecker. I don't know what he means. I suppose during the course of this debate around the motion he'll explain what he means by "workfare sites" and about dependency.

Down where I come from, people are dependent upon their jobs to support themselves and raise their families. Gosh, when we're down in St Kitts, maybe we could go and visit some of the 80 people who just got their layoff notices from Fleet Manufacturing down in Fort Erie, whose jobs are likely to never come back. Maybe when we get back to Toronto we can visit the — is it 307? — Oshawa employees of the automotive industry whose jobs are over. You would probably speak to that. I may not be quite dead on on the numbers. It's what I read in the papers.

When we're in St Catharines, maybe we could visit the people who lost their jobs at Mott's, you know, that makes the Clamato juice. Mott's pulled out of St Catharines and shut its plant right down. Maybe we could talk to some of those people who are there at General Motors in St Catharines. I'm not talking about layoffs as a result of the recent US strike, but GM workers with up to 14 years' seniority at General Motors in St Catharines. You're talking about hundreds of employees.

The interesting thing is — you know this, Chair, I know you know it — by the time you've got 12, 13 or 14 years' seniority, you're not just a young gal or fellow out there starting a first job. By then you've got a home, in all likelihood, with mortgage payments, and you've got children. If you have 12, 13 or 14 years, you may well have kids who are 16, 17 and 18 years old who had been planning on embarking on a college or university program. Those would be sites to visit.

Down in Niagara region we have seen a net job loss over the course of the last three years. Unemployment remains among the highest in all of Ontario, and I think it's parallel to the north. As you well know, it's hard to get

exact numbers on unemployment, because so many people have simply left the workforce.

Instead of workfare sites — I hope Mr Carroll is going to expand on that and tell us what that means, especially how it's relevant to Bill 22 — maybe we should visit — has your constituency office received any calls from those women about the tax credit, the child care credit, who are getting ripped off by Ms Ecker's bill — it's not Mr Carroll's bill; it's his boss's bill — who are getting dinged because their welfare is being reduced by the amount of the tax credit?

Maybe we could visit those elderly unemployed. I was talking to one of the employees at Fleet just the other day, as a matter of fact. I ran into her and her husband and her two kids up at the Merrittville Speedway. It was the Saturday night stock car races. I had a chance to talk to her about her prospects at leaving Fleet. What had happened is her husband had been laid off in an earlier round at Fleet around five or six years ago when free trade really finished taking its toll — if it has already. He has been doing his best, but she was the one who had the job at Fleet, who had the benefits. It was a unionized job. I was talking to Brenda about the prospects, and she anticipates that their family may end up on welfare. "Workfare be damned," she says. She doesn't need workfare; she needs a bloody job. All the so-called workfare in the world isn't going to get her a job at the end of the day when Fleet is gone.

Chair, I know you spend time in your constituency office. I know you visit and are visited by all sorts of people who find themselves on welfare for any number of reasons, and I know what your book and your briefing notes say, not the ones with the committee but the stuff that comes out of caucus. It's in the new caucus office downstairs in the back there where they got rid of all the asbestos. It may be a day late and a dollar short. The asbestos may have taken its toll already, Lord knows. But I know the stuff you get from your caucus about the lines that are supposed to be used about breaking the cycle of dependency. The real dependency that people have is on jobs, and if there are no jobs, all the workfare in the world ain't going to produce a net result.

So I suppose, without terminating my comments in this debate — because I find it a most interesting one and I find it a most interesting issue that Mr Carroll has generated here in Sudbury — perhaps again recognizing that there will be another round during the course of this debate before we move to closure, Mr Carroll could clarify exactly what the heck he's talking about so we would know. I simply don't know.

In Niagara — gosh, Mrs Papatello couldn't help because she's out in the Windsor area. She could probably tell us how many workfare sites there are. In Niagara, workfare hasn't worked. You know that. One of the reasons this government is so scared it got its shorts all twisted into a knot about this bill, about the prospect of somebody being able to join a union, is because, among other things, they're going to feel compelled — Ms Ecker said as much after our last meetings in Toronto, after all

the denials. How many times did she deny that workfare was going to be extended to the private sector? Once? It was more than once. Twice? It was more than twice. It was more than thrice. It was more than four times. It was more than five times. There were countless denials.

Then, lo and behold — maybe she was misquoted. I understand that. I've never been misquoted by the press. I've been quoted saying things that I wish I hadn't said but I've never been misquoted. There's no two ways about it. That's after a long time of being involved with the media, probably since I was around 16 years old, and that's a long time now. Maybe Ms Ecker, three years in her elected position, finds herself being misquoted readily. Ms Ecker acknowledged that the private sector seemed to be the goal if workfare was going to work, because workfare isn't working.

Our problem down in Niagara — and I'd be interested in hearing what Ms Martel has to say about this — is that we don't have jobs. We don't have jobs and we've lost good jobs. The first big blow was free trade, just the hemorrhage of jobs out of this country and especially out of the industrial Golden Horseshoe area, Niagara being — I don't want to cut anybody else's grass here; I am up in the north in Sudbury — one of the industrial heartlands. We had massive job losses as a result of the Mulroney free trade deal.

Those job losses have been compounded now over the course of the last few years. What's strange is that we're told there are these net new jobs. I read an interesting item in the paper the other day from StatsCan that identified, just as so many of us in the opposition have been saying for so long, that so many of these net new jobs tend to be part-time and/or temporary. We're not talking the kind of jobs you raise a family with. We're not talking the sort of jobs you pursue as a career and hope for some stability.

I don't want to digress too much. I appreciate your patience, Chair. I didn't bring the motion. I didn't put the motion on the floor; Mr Carroll did.

The Chair: No one's questioning that you did.

Mr Kormos: I was told it was going to be hot and humid here today and I find it rather cold and dry.

I didn't put the motion on the floor, but I find it very peculiar. Let me also hearken back to discussions in the subcommittee and at committee level about what this committee was really supposed to do. I think Mr Carroll had better be careful — and some of his members over there supported him, some of the ones who pride themselves on their ability to be very careful about crossing the t's and dotting the i's. They made big points out of saying, "Oh no, this committee is bound only to do what the closure bill permits it to do."

There were some other little deviations from candour. That isn't akin to calling something a lie, is it? Mere deviations from candour — not "mere" by any stretch but serious deviations from candour. I'm sure it was the parliamentary assistant I heard talk about, "Well, the House leaders gave this committee four days to consider Bill 22 outside Toronto." I know Ms Papatello is going to speak to this motion, and if I'm wrong in that regard and

that conflicts with her memory, she'll correct me. She's inclined to do that. But we were being told that the House leaders had agreed to this. Well, that's horse feathers. The House leaders never agreed to it. It was in a closure motion. They wanted to stop the debate on Bill 22.

The other interesting thing is, do you remember when that closure motion came forward? It was very slick. Credit where credit's due, it was slick. What this committee would have been doing is conducting the 12 hours of inquiry into the role of the Premier and the Premier's office in the assassination of Dudley George during the occupation of the park at Ipperwash and the violent assault on peaceful occupiers.

1220

You remember that, don't you, Chair? I'm sure you do. It wasn't that long ago. What had happened was that this committee had nothing on its agenda, nothing on its plate. This is the justice committee, isn't it? Well, I'll be darned, because, you see, I'm a member of the justice committee but I had to be assigned to the committee that considered the workfare bill because that was —

Mrs Papatello: Social development.

Mr Kormos: Social development, that's right. Because it's the social development committee that considers things like so-called welfare reform. That's right, because I had to be substituted. I remember that very specifically. I had to be subbed on to the social development committee. So it was only by way of a closure motion — and I appreciate Mr Carroll bringing this motion today because it gives us a chance to clear the air about a number of things — that Bill 22 got put before the justice committee, which is what we are now, which hadn't even considered the original bill, 146 — is that the one?

Mrs Papatello: Bill 142.

Mr Kormos: Bill 142. It's been so long now. The mind wanders when you're confronted with some of the weird, strange things that have happened around all this.

You've got Bill 22 being put before this committee for, among other things, four days of travel. How many days do we have in Toronto? Is that two days of hearings already?

Am I correct that Bill 22, a one-pager, is going to get more hearing time than did the original Bill 142?

Mrs Papatello: Three hundred pages.

Mr Kormos: That's interesting. Bill 22 somehow ended up with more hearing time than Bill 142. Don't forget that Bill 22 is simply — no, it isn't "simply." It was supposed to have been, I'm sure, in its origins an attempt to clean up. Do you remember the narcoleptic member from somewhere around London who fell asleep, nodded off, spittle coming out of the corner of his mouth, while Ms Lankin was here with — Ms Papatello was present I think as well, and she's going to expand on this because she likes talking about this. I disagree with her reference to that member as a sleeping beauty. He's no beauty, but I suppose in the parlance of Crowland, where I grew up, to say somebody's a "real beaut" might be appropriate. He's no beauty but he's a real beaut, all right.

What happened was that he had slept through — and Ms Papatello's going to expand on this at length, I think; I'm not sure. I don't know. I can't read her mind. I can't anticipate what she's going to do.

The Chair: You're certainly trying.

Mr Kormos: No. It's mere speculation on my part. I'm getting more and more impressed with how Mr Carroll has given us this opportunity this afternoon by introducing his motion, rather than by, for instance, approaching individual members when he had an opportunity. But by putting his motion on the floor, either it's an effort on his part to kill some of the time this afternoon — and I understand why he'd want to do that because, what the heck, what have we got here? We came to Sudbury with good staff: Mr Arnott, who is quite frankly holding on to my train ticket because I tend to lose those things and I appreciate him doing that for me. He offered it to me and I said, "No, you please keep it because I lose things like that." I think I might have misplaced the other half of the airline ticket for tonight, which might make some of the members of the committee very happy.

We've got research officers; we've got Hansard; we've got technical staff for Hansard; we've got the translators in the translation booth because we're in a Bill 8 community and we're required to have them. We've got all sorts of people. By God, we've got bureaucratic staff here too, good people, nice people, political staff —

The Chair: Could you come back to the motion, Mr Kormos?

Mr Kormos: No, because we've got to reflect on why Mr Carroll brought this motion, whether it was merely to kill time, because Mr Carroll's a smart guy. He's a very smart man. He wouldn't have brought this motion if he hadn't had some motive behind bringing it.

I've seen Mr Carroll at his best; I've seen him at his worst. Niagara Falls, Bill 142: It wasn't Mr Carroll there; it was his colleague. Where is his colleague, by the way, the other parliamentary assistant, who's a real beaut?

Interjection.

Mr Kormos: Yes. Not narcoleptic, but a real beaut, let me tell you.

So we've got all these people who came all the way to Sudbury, and I like Sudbury. I like the people who live here. I quite frankly like the people they elect, and I say that without any bias towards one political party or the other. But here we are: We've got one, two, three, four, five, six, seven submissions to be made on Bill 22, covering from 12 noon to 2:05 pm. Assuming that the last submission is 15 or 20 minutes long, that will be 2:30 that we're out of here, right, give or take? Well, it would have been had it not been for Mr Carroll's motion.

I don't know what time our planes leave Sudbury, but that's okay. I'm sure that Air Canada will bump them up or we can stay here tonight and go to Ottawa tomorrow morning on a red-eye, because tomorrow morning we're going to Cornwall, and Lord knows how many submissions there are to be made in Cornwall.

I appreciate Mr Carroll's not wanting to waste government money. We could have paid for every one of these

submitters to go to Toronto. We could have paid travel, accommodations, any unionized hotel as far as I'm concerned — Sutton Place, Howard Johnson's, the Chestnut Street hotel — any number of fair-priced, unionized hotels that they could have been staying at, and done their submissions.

The Chair: Mr Kormos, I'll just briefly interrupt you. According to the standing orders, you know you have 20 minutes to speak. You're coming very close to your 20 minutes now, so you have about a minute, a minute and a half to wrap up.

Mr Kormos: I'll bet you're going to let me know exactly when I'm finished.

The Chair: You've got it.

Mr Kormos: Then Ms Martel's going to have her chance to speak.

The Chair: She's not on the list yet.

Mr Kormos: And Ms Papatello. She will be by the time I'm finished. We were supposed to discuss Dudley George, and the only reason the justice committee has got this bill before it for this many days, more than the original bill itself, is because the government gave its marching orders for the justice committee to be encumbered with this bill so that it couldn't conduct its enquiry into the Premier's office's role in the assassination, the slaughter, of Dudley George at Ipperwash Park.

So now Mr Carroll's talking as if this is some sort of little junket: "Let's go and visit some places." Lord love a duck, we're here to work. We're here to work, Mr Carroll, not to go out visiting and taking little tour buses wherever it is you want to talk about. You tried it last time with Bill 142. You figured you were so slick, you and your sidekick, by picking North Bay as a location for one of the hearings. One voice of support for Bill 142.

Interjection.

Mr Kormos: Was there not even one? Niagara Falls? Zippo. Everybody had temper tantrums and walked out early. That happens when people people are champing at the bit.

The Chair: That's your 20 minutes, sir.

Mr Kormos: Thank you kindly.

The Chair: Mrs Papatello is next.

Mrs Papatello: I want to begin by suggesting that I'm always amazed at how far the government is prepared to go to spend taxpayers' money to politicize the government. Here we are once again discussing a motion where you want to spend taxpayers' money to send us on a little tour so you can have your little press entourage take nice photos, because quite frankly you're getting some very bad press on workfare. Everywhere you go in Ontario, you pick up a newspaper and read the headlines that say: "What the heck happened to workfare? The darned thing's not working anywhere." Those are your headlines.

Now you want to take the committee's time and taxpayers' money and traipse us around Ontario for a one-page bill which, as was aptly put a minute ago, is a Sleeping Beauty bill, so dubbed not just by me but now by others, thankfully. We're coming up to Sudbury so we can hear the PC candidate on the first item of the agenda

because you have a by-election in Sudbury. So we have the PC candidate as the number one spokesperson to come and talk about Bill 22.

1230

My question for the Chair is, did you suggest to the PC candidate that this is the worst possible example of government waste of taxpayers' money that people have seen in the history of governments? We actually sat through Bill 142, the workfare bill, went on very limited hearings, regardless of how many, many groups wanted to speak to it but were cut out of the picture, so that we could go through clause-by-clause and have the Conservative members asleep at the switch. They couldn't even get their own clauses passed with their majority at the committee. One clause, section 73, of Bill 142 failed to pass because a Conservative member was asleep.

Section 73, so numbered here, is now under the guise of Bill 22, and you so far have had seven hours of debate. At your cost estimate of \$100,000 an hour, that's \$700,000 just on House debate of a one-page bill.

You now have 19 people flying into Sudbury for two and a half hours. My ticket alone is \$842, and that's just going back to Ottawa, never mind going back to Toronto. That's not included in the \$700,000 that you've already spent in seven hours of debate over a clause that your members, having slept through, failed to pass.

Now we come along and travel the different parts of Ontario because you choose to run hearings at the wrong committee. Where a social development bill ought to be sent to a social development committee, instead we're at justice for yet another political reason, to keep out another political debate that you're really trying to avoid.

What part of this one-page bill do you anticipate changing? Which clause are you going to amend? Which wording are you going to change? Did you suggest to that PC candidate that you've just put him on the roaster to come and sit and talk to us today, representing a party that in the history of government has never had such a wasted, blatant expense of taxpayers' money as this bill right here today, Bill 22?

You're going to send him into the fire canvassing the doors as a PC candidate. He's come here today to get press for Bill 22, which is the most blatant example of taxpayers' wasted dollars that we have ever seen. This fellow is going to go off into the swords and knives so that the rest of us can laugh and say, "There's the guy who's supporting the government that just spent over \$700,000 because their government members fell asleep last November, which caused Bill 142 not to be passed in its entirety."

At that time, the minister said, "We're going to have to reintroduce something later on." It went through the machinations of the PC Party political machine to come up with an anti-labour, slam-labour title, which in essence is 73, the same clause. You even left the same number, so it's obvious that's what it is.

The last time we had these hearings, in June, finally the parliamentary assistant admitted, yes, it's the same clause. Of course, we knew that. That's why it's been called the

Sleeping Beauty bill. How can you, as Progressive Conservatives, sit here, having sent 19 people at how much of a cost — it's probably around \$20,000 just to come here, on top of \$700,000 of House time debate. That's your estimate of the costs to run the House every hour of debate.

You fell asleep in the first place. You don't have any intention of changing a clause, a word, a sentence of this bill. This is the same clause that you failed to pass in Bill 142, only because you were asleep.

These small business people of Sudbury think, "Oh, those PCs supported big business." If they saw the kind of wasted taxpayers' expense, taxes at work today, they would be crying. I want to ask the PC candidate how supportive he is of this blatant example of wasted taxpayers' money.

So we start the debate today with the request in other communities to go visit sites so that — what? — he can put his mug all over the place, because you've got to do some kind of press work because the press clearly is not catching on to the wonders of workfare. Is it any wonder?

Mr Kormos: How much did the highway signs cost?

Mrs Papatello: The highway signs, what the heck so they say? "This is your tax dollars at work." These are the dollars of the Ontario government at work, not your highway construction signs that you plaster your Premier's name on all over the place. You now want to take our committee on a little tour of workfare sites because you've got to do some filling in because you chose to do your committee travel in the middle of August when, as you know, it's very difficult to get people to attend.

Moreover, what's there to say? You know what we're going to say. We said it then. It's the same clause that we slept through last time, folks. We pointed that out to you then.

Why would you go so out of your way to waste so much taxpayers' money on this bill? You should be embarrassed. You, the people who supposedly are the great defenders of the taxes, should be embarrassed to be here. There should be a hundred other reasons we should be coming to Sudbury, a hundred other issues of northern development that we should be talking about here in Sudbury instead of your failed program, because you still don't get what it's going to take to get people into real jobs. Everyone else got it. Now the media is clearly getting it and reporting it.

Now, in order to combat that, you've decided you want to send a little tour around so that — what? — we can confirm that the numbers in fact are so dead wrong that even in the first submission that we have here by the PC candidate that actually exposes numbers in the hundreds of thousands, it's completely inaccurate. The majority of all of the numbers that currently are quoted as workfare numbers are in the same part of the program that's been there for more than a decade.

You didn't tell the PC candidate that, did you? You didn't tell the PC candidate that all the numbers of workfare that they keep spouting out at the ministry — not the bureaucrats, just the political ones; the bureaucrats

know better — are still in the same things they've always been in: job search, education, training, actively looking for work. The community placement portion is an absolute dismal failure. It will be the biggest failure of your government.

What's so ironic is, it was one of the pillars of your platform when you got elected. Now it'll be the biggest embarrassment; it will be the biggest embarrassment of wanton, wasted taxpayers' money, the likes of which government has never seen in Ontario. That is what we are doing in Sudbury.

Now you've come to do traipsing around and do touring around of these sites. If you choose to do that, I would suggest that you do not use legislative staff, you do not send people who work for the Ontario Legislature out on these little tours. If the MPPs choose to go because we're there, so be it. We'll see how right we're proved when you choose to go get your mug shot with some poor guy schlepping something someplace you've managed to dig up, a workfare recipient on workfare, so that you can go forward and expose the poor once again. We'll just see that when you do that, we will have been proven right.

Mr Bruce Crozier (Essex South): I want an opportunity to make some comments on this motion. I too think it's rather interesting that the motion is being brought before the committee when simply if we had had spare time, any members could have been advised of any workfare sites that we might visit. I suspect that, as my colleagues have said, there's going to be some expense involved with this. I suspect there's going to be some time of staff having to search out where these sites are located, if in fact we can find some in the cities that we go to.

I don't think it's a coincidence that the Sudbury Star of yesterday, August 10, has a lengthy article written by John Ibbitson of Southam News, "Is Workfare Working?" "Only a fraction of those who are supposed to be in the program are enrolled." Mr Ibbitson points out that after compiling statistics and interviewing welfare managers and recipients in Toronto, Ottawa, Hamilton, Kitchener-Waterloo and North Bay, Southam News has determined that, by Harris's own definition, workfare in Ontario is a phantom program.

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I ask, how much energy, time and money is going to be spent searching out these phantom programs in the cities that we're going to visit in order to do what my colleague has said, to simply make a photo opportunity for some of the government members?

This article points out some very interesting statistics, and that's why I'm concerned that we'll take the valuable time of the committee and the money of the taxpayers of Ontario to search these out. It says that only a tiny percentage of the participants are involved in two activities typically associated with workfare: working in the community or taking a training course to improve prospects. The rest are in a third stream, the independent job search. That means someone who is in the job search is cashing their cheque, taking the resumé writing seminar or interview skills workshop and looking for work. I doubt that

Mr Carroll wants us to follow around the great majority of workfare recipients who are walking from a place of possible employment to another place, looking for work.

For example, in the Waterloo region, a typical case, there were about 7,627 people on welfare who were qualified for Ontario Works in June. Some 153 of them were involved in unpaid work for local non-profit organizations, called community placements; 482 were enrolled in a training course. In other words, 8% of the welfare recipients in Waterloo were in a work or training program. Province-wide, municipal officials estimate about 3% of eligible welfare recipients are in government work programs, roughly 7% are in a training course and the remaining 90% are called one-day workfare workers because they've registered and they're out looking for employment.

If this motion were to pass, and I have some small suspicion that it will —

Mrs Pupatello: We can wait until they fall asleep.

Mr Crozier: That's right. I'm reminded, unless one of them — in fact, there is one out of the room right now, so we could call the vote right now, I suppose.

Unless we are going to spend the bulk of that time where the 93% are, and that is simply looking for work and yet being considered under workfare, I don't know whether one of the sites that Mr Carroll would recommend that we go to is following somebody around on their job search. I think it's simply somehow meant for public relations or propaganda. So if we can find somebody who is at a workfare site and then it will somehow be implied that all the others who are registered in workfare are doing like work, then I think it's a sham and I don't think it's one that should be paid on the people of Ontario.

Mr Kormos: Mr Chair, on a point of order: I move that Mr Carroll's motion be amended, and I've provided a written copy of that amendment.

The Chair: You can't do that on a point of order, Mr Kormos. You can do that when you have the floor, but not on a point of order.

Mr Kormos: Thank you, Chair. I move that the motion by Mr Carroll be amended to add —

The Chair: You don't have the floor.

Mr Kormos: My light is on.

The Chair: You asked for a point of order. If that's your point, then Ms Martel has the floor.

Ms Shelley Martel (Sudbury East): If I might, on behalf of Mr Kormos, Mr Chair, I would move the amendment that has been given to you by Mr Kormos. It's been tabled with you.

The Chair: I'm afraid you are allowed to speak on the floor, but you are not a voting member of the committee, so thereby you are not allowed to put an amendment forward.

Ms Martel: Okay. Then let me use my time, since I was next on the list, and then we can go back to —

The Chair: Mr Carroll's next.

Ms Martel: Oh, okay. Sorry. If he wants to go, he'll probably say a few things that I can then respond to as well.

The Chair: No, I mean after you, if you're asking the order.

Ms Martel: Do you want me to go now, then? I'm next?

The Chair: You're up now, yes.

Ms Martel: I'm surprised by the motion, I'm surprised by the manner in which it's been put and, frankly, I'm a bit astonished that it has even been put at all. I say to Mr Carroll, as the parliamentary assistant, if you want to go and tour workfare sites in this community or any other, you certainly have that right as the parliamentary assistant to the Minister of Community and Social Services. If you see that as part of your role of being better able to promote the government line on how allegedly well workfare is working, then by all means go and do that. But to suggest that the taxpayers of the province should now pay for this committee, in the communities that it still intends to visit, to take time out of the schedule and to go and visit a few sites and to haul people around on buses or by taxi or whatever else you have to do to get everywhere, I think that's ridiculous.

A visit to one of these sites has absolutely nothing to do with the bill that's at hand. This is a one-page bill with five clauses. As was already mentioned by my colleagues — let's all be clear — this is to fix a mess that happened in committee on Bill 142 when some of your folks fell asleep at the switch and this particular part of that bill didn't get passed.

What this is all about is putting back into Bill 142, under a different number, what your folks missed when the social development committee originally dealt with that. The bill here that we're dealing with is quite straightforward. I fundamentally disagree with it, but it's straightforward. It says three things: (1) Workfare recipients can't join a union, (2) workfare recipients can't bargain collectively and (3) workfare recipients can't strike. I fundamentally disagree with all of those things, but that's the beginning and the end of Bill 22. Essentially, it's not about the sites or workfare because your government has already done that.

Mr Kormos: Or tried. They've done their incompetent best.

Ms Martel: Put it through. We will disagree with you about how well it's working. If you wanted to go to a workfare site, however you want to define that, in Sudbury today, for example, if you had passed this motion earlier, you'd have needed your steel-toed boots and your hard hat and some gloves because the big project that workfare is putting forward now is land reclamation. The folks who are doing the community portion of workfare in this community right now are out planting seedlings, replacing a federal government program where students who were in high school used to go and do the same thing. But that got cancelled, so now that's what the workfare recipients are doing.

I'm not sure what kind of long-term job creation is being created here. I'm not sure what kind of skills are being given to people that will guarantee them some long-term employment in this province. I think none. I suspect if

you were to find other so-called sites in some of the other communities it would be the same thing because, let's face it, this program has been a bust. People are not getting good training for long-term employment at all.

If you want to go and do the government thing and push workfare, you go and do that on your time. You can do that as parliamentary assistants. You can get your costs paid. But to suggest that visiting sites in the next couple of days while this committee deals with Bill 22 has anything to do with this bill is completely ridiculous. This bill has everything to do with discriminating against workfare recipients by not allowing them to join a trade union. That's the beginning and the end.

I don't support this. I can't vote because of course I'm not allowed to sub in and vote today, but I do want to say I think it's a complete waste of taxpayers' money. If you want to make the effort to try and prop up the government's workfare program, you do that on your own time and you have your ministry pay for that. But don't ask the taxpayers of this province to have this committee traipse around to supposed sites in order to try and make people believe this thing is actually working. Don't do that.

Mr Carroll: Just a couple of comments: I'm really surprised that what I thought was a reasonable intention has been interpreted the way it has.

Mr Crozier: You shouldn't be surprised. You're pretty naive.

Mr Carroll: I didn't see any harm at lunchtime tomorrow, or any day that we're on the road, to take some time and go and visit and chat with some people and learn a little bit more about some successes of this program. There are successes. There are communities that have very successfully implemented our work-for-welfare program. I don't understand why the members of the two opposition parties are not interested in learning about those. However, if that's their choice, then that is their choice.

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Mr Kormos: On a point of order, Mr Chair: I'm asking the Chair to rule that this motion is out of order. The committee sits, it's been pointed out, and I did make some reference to it, strictly by the terms provided in the closure motion that the government passed. The subcommittee has determined an agenda, as is the subcommittee's responsibility. That agenda was approved by the subcommittee and voted on by the committee at whole. It seems to me, in view of the fact this is time-allocated and also in view of the fact that this is the justice committee, perhaps the only place this committee should legitimately be going is to Ipperwash to interview and speak with natives who were assaulted —

The Chair: Your point of order, Mr Kormos?

Mr Kormos: The point of order is that this motion is not in order. The role of the committee has already been determined. The scope of the committee has already been determined. It's been voted on. The agendas have been prepared. As Ms Martel points out, if Mr Carroll wants to go somewhere during his lunchtime he's perfectly entitled to go there. I'm asking the Chair to rule that the motion is out of order.

The Chair: I'm afraid the motion is in order because the subcommittee report hasn't been adopted as of yet, which was the first order of business, which we have not reached as of yet.

Mrs Papatello: On a point of order, Mr Chair: Would the subcommittee be subject to the House leaders' meeting and their subsequent allowance of what this committee is doing?

The Chair: The subcommittee falls within the guidelines established by the House leaders, yes.

Mrs Papatello: So if this motion were passed, then wouldn't it be subject to permission by the House leaders through their deliberations?

The Chair: No, no.

Mrs Papatello: Only in that the House leaders — we've always been bound by what the House leaders would allow us to do in their time allocation motion.

The Chair: So long as it falls within the —

Mrs Papatello: How do you expand the parameter when it was really under that?

The Chair: Because it still falls within the parameter of the four days given for the committee to meet as well as one day of clause-by-clause after these four days.

Mr Kormos: On a point of order, Mr Chairman: I appreciate your bringing to my attention that of course the report of the subcommittee hasn't been adopted. That begs the question, what the hell are we doing here? Quite candidly. The clerk of course provided a copy of the subcommittee report. The committee could only do what it approves by virtue of the subcommittee having recommended, and without the report of the subcommittee before this committee for approval we ain't the committee. We are functus. We are zip, zero, naught. We are acting without any authority. The meeting hasn't convened, other than for — without the report of the subcommittee having been approved. Isn't that a peculiar predicament to be in? I appreciate your pointing it out.

The Chair: The guidelines established by the House leaders and the motion in the House are the parameters we've been given to operate under. We are within those parameters today and we are allowed to function with those guidelines under the motion of the House that's been established.

Mr Kormos: If I may, Chair —

The Chair: What's taking place here is that a motion has been put forward to the floor prior to the adoption of the subcommittee report. Had the subcommittee report been adopted we could not have another motion on regarding that change because we'd have already accepted it. We have not accepted it as of yet. So your point of order is?

Mr Kormos: The point of order is that the subcommittee says — I very clearly pointed out to you that we are constrained by the closure motion when the Tory jackboots came out and shut down debate on Bill 22, no two ways about it. It said, "Shall meet for four days outside Toronto, but it's only by virtue of the subcommittee that this committee is here at all, because the closure motion didn't recommend Chatham, Cornwall, St

Catharines and Sudbury, inter alia, a whole list of things that are here. It simply indicated a total of six days for committee hearings.

I appreciate your clarification and your response to me, and I appreciate your courtesy —

The Chair: Your point of order?

Mr Kormos: The point of order is that we're still at a position where you say the committee has the authority to consider Mr Carroll's motion because the subcommittee report hasn't been approved, but without the approval of the subcommittee report we can't even be in Sudbury.

The Chair: No, we still can. We are operating under the guidelines established by the motion in the House.

Mr Kormos: It didn't say Sudbury.

The Chair: So I'm ruling not in favour of your point of order.

Mr Kormos: You're ruling against my objection to the motion of Mr Carroll.

The Chair: That's correct, OK? Mr Carroll still has the floor.

Mr Crozier: On a point of order, Mr Chairman: I wonder if the clerk could provide us with a copy of the closure motion that was adopted by the Legislature and I ask the indulgence of the Chair that we adjourn for 10 minutes so that we can have an opportunity to look at that report to see if in fact what has been discussed here is fact —

The Chair: Mr Carroll does have the floor.

Mr Crozier: I'm on a point of order. I'm just asking the Chair that we be given an opportunity to find out whether in fact we can be doing what we're doing. If we can't, what we've talked about here is rather academic. If we can, we can continue on, no problem.

The Chair: In discussions I've had with the clerk, we are within the guidelines that have been established.

Mr Crozier: With all due respect, Chair, it's not the clerk who decides what we're going to do, it's you.

The Chair: That's correct.

Mr Crozier: You have to be satisfied and I'm asking that you review the motion by Mr Sterling that was moved pursuant to standing order 46 that outlines the way in which this committee can operate.

The Chair: You've asked me to review that. I have reviewed it and I have found that this is in order, that the motion is in order. I have already done that.

Mr Crozier: You've reviewed it since this point of order was brought up?

The Chair: Yes.

Mr Crozier: That's amazing.

The Chair: No, it was done prior to that order, to ensure that we can allow the motion to come forward.

Mr Crozier: You anticipated this.

The Chair: That's correct.

Mr Crozier: Well, thank you, Chair.

The Chair: OK, Mr Carroll, you have the floor.

Mr Carroll: I didn't intend to show any disrespect for those people who would come forward to present to the committee today by getting into this long —

Mr Crozier: Nobody intends to show disrespect, Jack. You're playing games. You brought the motion up —

The Chair: Order, please.

Mr Crozier: Chair, though, he's — point of order.

The Chair: Mr Carroll has the floor and he will continue, thank you, Mr Crozier.

Mr Crozier: Mr Carroll is imputing motive. Please, would you rule on that. Mr Carroll is imputing motive, that we're trying to delay somehow these people, and he brought up the motion. I resent that.

The Chair: Mr Crozier, Mr Carroll has the floor and he will continue.

Mr Carroll: The government members will in fact be spending their lunch hours visiting some Ontario Works sites, but in view of the obvious intent of the opposition not to learn anything more about the successes of Ontario Works, I would like to withdraw the motion.

Mr Crozier: On a point of order, Mr Chairman: Mr Carroll again is imputing motive. Jack, I thought you operated from a higher principle than that.

The Chair: Seeing as the motion has been withdrawn, we can continue on with the business of the day. The first order of business is the acceptance of the subcommittee report.

Mr E.J. Douglas Rollins (Quinte): I so move.

The Chair: Moved by Mr Rollins. Discussion?

Mr Kormos: I get cranky, not because I've been crossed, but only if I haven't slept enough. Mr Carroll gets cranky both when he hasn't slept enough and when somebody tries to cross him, as Mr Crozier well knows.

Mr R. Gary Stewart (Peterborough): That's imputing.

Mr Kormos: That's not imputing anything, that's just a direct statement.

The Chair: Order, please.

Mr Kormos: But this is such a non-contentious subcommittee report, by God, why is it here? We're already into committee before it's being moved. Mr Rollins, I appreciate your moving this. It's a subcommittee report upon which there was, as I recall, a consensus with an understanding from the opposition parties that of course we had no choice. I mean, consensus when you don't have any choice isn't hard to achieve, right? You know, the old jackboots marching in a yellow land. Good old Phil Ochs, you wouldn't know it. It was a consensus at having been confronted by a loaded gun. Of course we agreed with it and at this point it's so non-contentious, Mr Rollins, I wish you had moved this an hour ago. We could have carried on. We wouldn't have risked missing our flight back to Toronto this evening. Do you know, Chair, we have to fly to Toronto and then to Ottawa? Interesting. My ticket said that. Is that the case?

Anyway, I want to speak in support of the subcommittee report; as I say, not that we agree with it, but that we had no choice. Therefore consensus was obtained because of the Harris jackboots clicking their heels one more time.

The Chair: All those in favour of the subcommittee report?

Mr Kormos: Recorded vote, please.

Ayes

Boushy, Carroll, Martiniuk, Rollins, Stewart.

Nays

Crozier, Kormos.

1300

GERRY COURTEMANCHE

The Chair: At this time we can call our first presenter, Mr Courtemanche, if you could come forward to the table, please. Welcome to the committee. Just so you know, there is a total time of 25 minutes allocated for your presentation. Any time remaining in your presentation is divided equally between the three caucuses for questions and answers. Thank you for your indulgence. You may begin.

Mr Gerry Courtemanche: Thank you, Mr Chairman, members of the panel. Good afternoon, ladies and gentlemen. Mesdames et messieurs, bon après-midi. My name is Gerry Courtemanche and I would like to take a few moments this afternoon to tell you a little bit about myself and why I'm here. I was born here, I was raised here and this is my home.

In 1974, I went to work for Inco as a labourer and became a member of the United Steelworkers of America, local 6500. I still work at Inco today as a lineman and supervisor at the power services centre.

When I finished school, I knew I wanted to stay here to live, to work and to raise my family. The reason I'm here today is because I care very deeply about both the future of my family and my community.

Before I discuss why I am in support of Bill 22, I would like to put in perspective the climate that Ontario faced in 1995. The number of people on welfare tripled between 1985 and 1995. Ontario, the economic engine of Canada, had the highest per capita welfare caseload in the country. Despite the NDP and Liberal governments spending \$40 billion on social assistance over 10 years, the number of people trapped in the cycle of welfare dependency had skyrocketed to 1.3 million. That's 12% of our entire population. The taxpayers of Ontario felt this situation was not only unacceptable but also insupportable. With all of its advantages and opportunities, this province should have had more to offer to its people than welfare dependency. The government needed to restore the credibility of the welfare system with Ontario taxpayers.

The people of this province are compassionate and generous. We are willing to help people in need but we had some tough questions about the welfare system.

Je me suis souvent demandé pourquoi il semblait plus intéressant de toucher des prestations d'aide sociale que de travailler durement et de payer des taxes pour soutenir le système. Je me suis posé la question suivante : si l'Ontario injecte toujours plus d'argent dans le système

d'aide sociale, pourquoi le problème s'aggrave-t-il ? Mais je voulais surtout savoir pourquoi le but du système d'aide sociale semblait être uniquement de résoudre un problème en injectant plus de fonds, au lieu d'inciter les gens à devenir membres de la population active.

When I searched for answers to these questions, they were easily found. The first was high welfare rates. With the best of intentions, successive governments had mistaken excessive generosity for compassion and therefore raised welfare rates to record levels. The results were predictable. High welfare payments removed the incentive for self-sufficiency. Over time, the welfare system departed from its original purpose. It ceased to be a transitional bridge to self-reliance and a stepping stone to employment. Welfare had become a trap for too many Ontarians.

The second reason for the welfare mess we inherited was more complex and it goes right to the heart of the government's welfare reforms. Passive income support was not enough. The welfare system was not offering focused and sustained employment help to recipients. In failing to help people move from dependency to self-sufficiency, the system offered neglect instead of real help.

Many welfare recipients lack the self-confidence, work experience and basic skills they need to connect with the world of work. These skills you learn by doing, not from a book or in a classroom. Taxpayers do not want to continue to pay people to do nothing and simply perpetuate the problem. That is why I was pleased to see the government introduce Ontario Works.

Le but essentiel de l'Ontario au travail est d'aider les gens à décrocher un emploi rémunéré dans le plus court laps de temps possible. L'Ontario au travail met en place une nouvelle approche de livraison de l'aide sociale dans la province. Il s'agit d'un programme équilibré, conçu pour permettre aux gens de contribuer à leur communauté, pour enrayer le cycle de la dépendance à l'aide sociale par le biais d'un travail rémunéré et pour développer un sentiment d'indépendance et l'estime de soi.

L'Ontario au travail est un programme obligatoire. Les agents de livraison doivent offrir aux prestataires de l'aide sociale une gamme complète de services axés sur l'autonomie, tandis que les prestataires doivent participer pour conserver leur admissibilité à l'aide sociale.

Le programme compte quatre buts fondamentaux : aider les gens ayant des besoins financiers à décrocher un emploi et devenir autonomes par le biais d'un programme dans lequel les deux partis ont des responsabilités ; s'assurer que l'aide est offerte aux gens qui en ont le plus besoin, pour lesquels il s'agit d'un dernier recours, par le biais d'exigences d'admissibilité plus justes ; accroître les mesures de prévention de la fraude et mieux gérer l'argent de façon plus responsable à l'égard des contribuables ; rationaliser le système de prestation en éliminant les chevauchements et le gaspillage.

The new welfare system that has been put into place replaces a culture of welfare dependency with a culture of responsibility, and replaces a passive approach that bordered on neglect with active measures rooted in

expectation and hope. Let's face it, people are better off working.

Welfare reforms will now be guided by three principles: fairness, accountability and effectiveness. These three words are well understood by taxpayers. Finally we have a government that is restoring the welfare system to its original purpose, a transitional program of last resort.

The welfare reforms and Ontario's improving economy are producing results. Over 283,000 people have stopped relying on welfare since June 1995. Since 1995, welfare rates are more in line with the other provinces. Ontario's rates are still 16% above the average of the other nine provinces. Here in Sudbury, welfare caseloads have dropped by over 30% since June 1995.

The province has established a fraud hotline to help protect the welfare system for those who truly need it. During its first two years of operation, the hotline has saved taxpayers almost \$15 million.

L'économie ontarienne s'améliore et on crée plus d'emplois. Le programme l'Ontario au travail aide les prestataires d'aide sociale à profiter des occasions qui se présentent. Le lien existant entre l'expérience et les possibilités est évident ; d'ailleurs, il me semble si logique que je m'étonne qu'on le remette en question.

Les gens étaient les victimes de l'ancien système d'aide sociale parce que ce système ne leur donnait pas grand-chose, sauf un chèque et peut-être une petite tape sur l'épaule. Au nom de la compensation et de préoccupations mal placées au sujet de droits, il n'offrait que de la négligence.

You will often hear from its critics that Ontario Works replaces real jobs, that community placement will become a life sentence. I truly believe that neither of these charges is true. Ontario Works guidelines state that placements will not displace activities performed in paid employment positions held by an employee within two years. People taking part in Ontario Works community participation placements are not employees of the organization in which they are placed.

1310

Ce projet de loi fera en sorte que la Loi sur les relations de travail de 1995 ne s'applique pas aux participants de programmes communautaires dans ce cadre de l'Ontario au travail. L'objectif est d'empêcher la participation de tout syndiqué ou gréviste et de s'assurer que les modalités du placement communautaire ne sont pas déterminées par des négociations collectives.

What is important to note is that individuals participating in community placement would continue to have basic health and safety protections. If this bill is passed, participants involved in community participation placements will continue to benefit from workplace protection, including required health and safety coverage; workplace insurance, whether under the Workplace Safety and Insurance Act, 1997, or equivalent accident insurance where this act does not apply; privacy protection; a restriction on hours per month on community placements to ensure that an individual's monthly benefit divided by their hours of attendance equals at least minimum wage

plus 4% vacation pay; provision for public and religious holidays; pregnancy and parental leave.

The bill only deals with Ontario Works participants participating in community placement activities.

Le projet de loi ne s'applique pas aux activités syndicales qui ne cadrent pas dans les placements communautaires de l'Ontario au travail. Par conséquent, les gens peuvent toujours participer aux activités d'un syndicat liées à l'emploi qui n'ont aucun lien avec la participation aux placements communautaires.

Si vous parlez aux participants, comme je l'ai fait, ils vous diront que les placements communautaires ont un impact. Ils les préparent pour un emploi. Les habiletés que possédaient déjà les gens s'aiguisent et ils acquièrent de nouvelles compétences. Ils acquièrent aussi de l'expérience, et des gens transmettent leur nom à d'autres employeurs éventuels. Ils rencontrent des gens qui peuvent les mettre sur la piste d'un emploi. De nouvelles possibilités s'offrent à eux.

This facet of the Ontario Works program, which provides job search, resumé writing and job placement support, continues to be the main fixture of the board's effort to secure training and employment opportunities for the clients. For example, in Sudbury the board has placed 251 persons into paid employment this year through the Ontario Works program. Projects such as the Sudbury land reclamation project are perfect examples of such placements that have a high success rate. The region of Sudbury's land reclamation project is an excellent example of how community partnerships can help solve a major environmental problem. This is a problem that I, as an angler and hunter, know quite a bit about. It is also an excellent example of how this community is benefiting from the efforts of over 100 Ontario Works participants who have been gaining valuable skills and work experience while contributing to their community.

As mentioned before, I spoke to some of the clients when I took the initiative to go and visit the land reclamation project on Thursday, August 6. I found out that many of the current participants volunteered for this work, and many are repeat volunteers from last year. The project has significantly assisted clients in preparing for the working world by improving their punctuality, general work ethic and overall employment readiness.

De nombreux participants m'ont dit qu'ils ont suivi une formation plus avancée depuis leur participation au programme. Il est impossible de ne pas tenir compte de ces succès.

Across the province, already more than 387,000 people have participated in one or more of the program's mandatory activities designed to help them get back to work.

Let me quote from the Sudbury Star editorial on November 13 of last year:

"We say the program will benefit thousands of low-income people and their communities.... Ontario Works can help break the welfare cycle through a change of environment, getting out and interacting with people and building self-confidence. Workfare programs launched in

several test communities have done well.... If the initiative helps thousands of Ontarians on social assistance to get jobs and consequently reduces local welfare rolls and associated costs, everybody wins. Let's give workfare a chance in Sudbury."

Ontario Works does lead to jobs. It has guidelines to ensure that it does not replace existing jobs. There is nothing unethical about working for money. I know from talking to families in Nickel Belt that people want to work, and Ontario Works is helping them to do that. People receiving welfare are given an incentive to get back into the workforce by being able to earn back the difference between the old and the new rates.

We know that people are better off working and we know we need to do more to help people get off social assistance and back to work. It is time the province recognizes that we owe people on welfare the opportunity to become self-sufficient.

Selon moi, le projet de loi 22 est une autre étape permettant d'assurer des possibilités aux prestataires d'aide sociale. Nous le devons bien aux contribuables et aux participants du programme l'Ontario au travail. Ces gens doivent avoir à leur disposition tous les outils nécessaires pour quitter les rangs de l'aide sociale et obtenir un emploi.

Ask people on welfare if they want to be there and the answer is a resounding no. Bill 22 is a complement to the government's welfare reforms, and it is my hope that this committee will consider the points I have made today in your deliberations.

Thank you very much for your time.

The Chair: Thank you very much. That allows each caucus a little over two minutes. We begin with the official opposition.

Mr Crozier: Welcome, sir.

On the second page of your presentation, about halfway down, you say, "The second reason for the welfare mess we inherited...." Who is "we"?

Mr Courtemanche: The people of Ontario, sir.

Mr Crozier: Do you agree that we all share, we all should share, in equality and equal rights?

Mr Courtemanche: We should all share in equality rights. That's a fair assumption.

Mr Crozier: Is it? As a member of the United Steelworkers of America, do you still, from your history, I assume, with that union and your reasons for belonging to that union, agree that the right to collective bargaining, to join a union and to strike should be denied minority groups that we choose in this province?

Mr Courtemanche: I truly believe that the laws of the land will dictate who should be able to have those benefits.

Mr Crozier: You're going to make a good — you are the nominated Progressive Conservative candidate in Nickel Belt. Is that correct?

Mr Courtemanche: Yes. I was very fortunate in getting the nomination on July 23.

Mr Crozier: Good. I'd like to wish you well, but you'll understand why I can't.

Mr Kormos: Was that a contested nomination?

Mr Crozier: No, I understand it wasn't.

Your answer was good for a politician, because you didn't answer my question. I asked if, through your membership in the United Steelworkers of America and the history you have with that union and the reasons you had for joining it, you feel that minority groups in Ontario should be denied the rights of collective bargaining, joining a union or striking like all the other citizens of Ontario enjoy.

Mr Courtemanche: I believe in workplaces that are represented by unions and those that are not represented by unions. I have been involved in workplaces where both have been there and I truly believe it is the basis of the people themselves that should make that determination.

Mr Crozier: I'm glad. So what you're saying is that workfare recipients should have at their option the right to join a union.

The Chair: Thank you, Mr Crozier. We now need to move on. Ms Martel.

Interjection.

Mr Kormos: Surely he has time to answer that.

Mr Crozier: Let the record note the witness said, "No," so I can't understand where you're coming from.

Ms Martel: If I might, Mr Courtemanche, the point we need to make is, do the people have a choice here, right? What this bill does is effectively prohibit workfare recipients from having the choice to join a union, to bargain collectively or to have a right to strike. What we want to get from you, especially from your long history of being a trade union member and activist as a health and safety rep, is, do you believe this government has a right to prohibit people from making a choice about joining a union?

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Mr Courtemanche: The thing with that is, in my way of thinking, people who work, people who are employees of a company, have that right. From what I gather, with Ontario Works they are not employees of a company. If I can compare it, it would be the same thing as unions trying to organize a student from a college being placed somewhere.

Ms Martel: But these folks, according to your government, are in the workplace, they're looking for permanent employment. That's what this government says this program is all about. They're earning a wage. You've talked about how great the program is, so why can't these people, who are supposedly going to get permanent employment, according to your government, have a basic right that every other citizen has?

Mr Courtemanche: I believe those people, once they have acquired a full-time job working for an employer, should have that right. But currently, if they are in a learning process, they are obtaining skills that would get them to that opportunity to be able to participate in unions.

Ms Martel: Many people who work in a new place of employment as a new employee are there obtaining skills. That doesn't deny them a right to join a union.

Mr Courtemanche: But they are hired by the company. They're employees of the company, whereas welfare recipients are not employees of the company.

Ms Martel: But that company has accepted them on their work sites doing work that any other employee would do. Right?

Mr Courtemanche: As a placement, based on what the program guidelines are, not based on their collective agreement.

Ms Martel: I know what the guidelines are. We disagree fundamentally with the guidelines and with this bill. But what I'm saying to you, as a person who has benefited by the union — I'm assuming you did through various collective agreements, nickel bonus, everything else — do you really believe that it's right to be able to deny someone in a workplace, who is there, whom the employer has had in and is training, it is OK to deny them a basic right that other people enjoy? That's OK?

Mr Courtemanche: What I'm suggesting to you is we need to look at the legislation of the province and the guidelines of the program that are in place. If the guidelines are saying that they do not benefit from it, then —

Ms Martel: What do you say, Mr Courtemanche? What do you say?

The Chair: Thank you, Ms Martel. We now move to the government members. Mr Carroll.

Mr Carroll: Thank you, Mr Courtemanche. Just to kind of clear the record, there's a little bit of confusion, Bill 22 only precludes union membership as it relates to participation in Ontario Works. If someone is a member of a trade union for some other reason or because of a part-time seasonal job, that is not prohibited under Bill 22. It only prohibits union membership as it relates to that particular activity of community placements.

You listened to the debate that went on beforehand. Were you surprised at the level of rancour that there was over a suggestion that the committee —

Mrs Papatello: Of the \$700,000?

The Chair: Order, please.

Mr Carroll: I have the floor — over the suggestion that all members of this committee visit some sites to see how Ontario Works community placements are benefiting people trapped in welfare? Were you surprised at the level of rancour that developed?

Mr Kormos: He withdrew it.

Mrs Papatello: I'll bet they didn't tell you about the \$700,000 that your colleagues have wasted.

The Chair: Order, please. Mr Carroll has the floor.

Mr Courtemanche: I can only speak for myself. In preparing for this, I took that very initiative. I went out and actually drove by the sites. It's right by the airport, by the way. I drove into Sudbury quite often. Land reclamation is something I've seen going on for years. But when I found out that it was the Ontario Works program, I took the initiative to go out there and talk with the people and see how the people felt about being there. I'll tell you, the majority of the people I talked to — as a matter of fact, everyone I spoke to was pleased to be there. They

were doing something positive. It was interesting to hear them talk about what they had done last year and the site visits they did, about what they're doing now and when they're there in the fall, planting trees. They'll be growing grass and everything else. But yes, I was quite surprised that committee people who are looking at an issue don't really want to visit the sites and talk to the people there.

Mr Carroll: So you think it would be to the advantage of any members of government to better understand the positive effects of the Ontario Works community placement.

Mr Courtemanche: Very much so. In my whole life experience, everything I've gotten involved with, you need to get down to the basics, you need to get down to the facts, you need to talk to the people. Unless you're prepared to listen to what it is they are saying, the actual people who are being affected by this, how can you make a decision?

The Chair: Thank you very much, Mr Courtemanche. We very much appreciate you coming forward and taking the time to present today.

Mr Kormos: Chair, a point of order: Any workplace sites I'm going to, I'm bringing union cards.

The Chair: That is not a point of order, Mr Kormos.

STUDENTS' GENERAL ASSOCIATION, LAURENTIAN UNIVERSITY

The Chair: I would call the next presenters to the floor. We have representatives from Laurentian University, the Students' General Association.

Mr Jamie Wylie: First, we're not sure if all of our names were on the agenda, so we'll just start by introducing ourselves. My name is Jamie Wylie. I'm the president of the SGA at Laurentian University.

Mr Todd Bosak: I'm Todd Bosak. I'm the vice-president of student issues with the Students' General Association.

Ms Amy Bateman: My name is Amy Bateman. I'm the vice-president of services with the SGA.

The three of us would like to thank the committee for allowing us to present to you this afternoon. As we stated earlier, we represent the Students' General Association at Laurentian University here in Sudbury. We've come before you today to voice the perspective of our 3,000 members in regard to Bill 22, the Prevention of Unionization Act, and workfare in general.

To begin with, I would like to speak on a personal matter. I have an uncle who has a PhD in genetics, a wife and four small children and who until very recently was unemployed for over a year and a half, forced to go on welfare because he is overqualified for the jobs that this government can offer him. While it may be the opinion of this government that all welfare recipients are somehow cheating the system, this is simply not the case. I resent the insinuation from this government that my uncle and thousands like him across this province don't want to work, that they are somehow lazy and therefore do not

deserve those rights afforded all other workers in the province.

I have been told that one third of welfare recipients in this province are disabled. Another third are single parents. As if these hurdles aren't challenging enough, those forced into workfare are now being told that they cannot count on the basic, fundamental rights given to the rest of the workforce: the right to join a trade union, the right to collectively bargain and the right to strike.

As a student, this bill troubles me. The uncle I mentioned earlier believed, as did many of his generation, the promise that this province made to him, the promise of a reward for those with higher education. That promise has been broken repeatedly by this government. It is incomprehensible to me that somebody with a PhD is forced to do battle with this government's idea of welfare.

Fortunately, or perhaps unfortunately, my generation is more cynical when it comes to job prospects. A bachelor's degree no longer guarantees employment in this day and age. I am a future member of this province's workforce or, as it has become under this government, workfarce. Perhaps I am even a future workfare participant, for how does one know what employment opportunities await once the privatization of Ontario and workfare are completed?

I ask you now not to deny me, my family, my fellow students and all those who are not able to afford Ontario's higher-priced higher education, everyone who is forced to rely on welfare and workfare through no fault of their own, the fundamental rights of all workers in Ontario, because workers are Ontario.

Mr Wylie: I'm going to keep my comments fairly brief. Some of you might be wondering why a student organization is presenting here today, the relevance. There is a direct correlation between Bill 22 and the student unemployment rate that we're seeing today. Currently, 214,000 students are facing unemployment in Canada. That equals approximately 18.1% of the student population between 15 and 24 who will be forced to compile a massive debt load by the time they've finished school, if they can even afford to go at all.

The idea that potential employers will be able to draw from a pool of workfare participants who are unable to form a union is actually quite horrifying to us. It's undoubtedly going to increase the problem of student unemployment significantly.

I don't know how long it's been since any of you have been in school, but it's extremely hard being a student right now. The government's decisions to consistently raise tuition over the past few years have turned summer jobs into a necessity and no longer an option for us. In my years at Laurentian alone I've seen an increase of 20% in 1996-97, 10% in 1997-98, 8% in 1998-99 and the possibility of another 10% in 1999-2000.

What this equates to in dollars and cents to me is a \$2,400 tuition when I started and a \$3,500 tuition now that I'm done. That's the rate of tuition currently and that's not even taking into consideration all the other factors and costs for students today.

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I truly feel sorry for anyone who is just beginning a post-secondary education now and in the next few years. Essentially, government is creating one more giant hurdle for students in a seemingly endless line that we have to try and make our way over.

When you take away students' ability to find work, you're also taking away their ability to obtain a higher education. That's the feeling not only of the three of us here today but, as Amy said, the 3,000 students we represent at the SGA. The situation is made even worse in that we feel workfare will soon be making its way into the private sector.

Mr Bosak: I'll take it over from here. I want to welcome all the committee members to Sudbury if they haven't been welcomed yet. As you may know if you know anything about our history, we're a former company town. As well, it's pretty clear that places like Inco and Falconbridge built Sudbury as a city. But what is also clear when you speak to students, when you speak to the individuals you might meet on Main Street, is that the International Union of Mine, Mill and Smelter Workers, the United Steelworkers union and many other trade unions built this into a community.

The mere presence of employment doesn't lead to the creation of a community as wonderful as this, just as it didn't in Hamilton, Sault Ste Marie or Welland. The ability to collectively bargain on the part of workers, the right of workers to join together and articulate their interests, led to the creation of a place where many enjoy a decent standard of living.

The past that led steelworkers and miners, among other people, to a decent life cannot be denied to a group for no other reason than their class position. If people on welfare are going to be forced to work, then they must be permitted to organize in a fashion befitting working people in the 1990s.

As Jamie said, many may wonder why a student association is presenting today. Simply put, our constituents have entrusted us not only to advocate on their behalf as students, they have also entrusted us to put forth their vision of a workforce that they want to be part of, to put forth their vision of a society that they will soon be an active part of.

The vision of students is not one where people living in poverty exist to provide an inexpensive, if not free, labour pool for the wealthy, a society where those who make up the working class are split into those who enjoy the right to organize and those who don't. Students overwhelmingly want to see a society where people on social assistance are given an opportunity for advancement, not an opportunity for servitude.

It is, on the surface, very alarming that the government is bent on banning union membership for workfare recipients, as there seems to be little, if any, real plan to unionize people who are on workfare. I find it hard to believe that this bill is the result of the threats of Sid Ryan and other trade union leaders, as Janet Ecker suggested in her statement to the House when introducing this bill. A

government that takes such great pains to ignore union leadership and working people in general would certainly not create a bill based on anything they said. It's hard to believe that they're listening, period.

I fear the real agenda here is intimately related to the move to bring workfare to the private sector. I fear the real agenda here is subverting the Rand formula. It's becoming increasingly clear that business, the friends of this government, would like to bring not only free but non-union workers into their otherwise unionized workplaces. What a gift to the friends of this government.

The wealthy of this province have already received a tax cut on the backs of my constituents, the students, among others. Now this same class is getting their very own powerless serfdom, a working class that comes with the two things that the Conrad Blacks and the Mike Sopkos of this world hate the most: a living wage and the ability to speak with a united, powerful voice.

Tim Hudak, somebody from the caucus of the folks over here, who I attended high school with actually, stated in the House that this bill merely reflected public opinion. Well, I ask this committee, where was the desire for public accountability when tuition was raised over 40% at Laurentian University? Where was the need to satisfy public opinion when two hospitals in this community alone were scheduled to be closed?

On employment for youth, both working as summer students and for youth in the workforce: The unemployment rate doubled at least, as Jamie had mentioned, in quite a few different communities. The very last thing we need, as students and as young people, is for our potential employers to be able to draw from a pool of workfare recipients who do not have the right to organize and who do not need to be paid. In the unfortunate event that young workers ever need to withdraw their labour, to strike, to stand up for their rights, we don't need to be working side by side with employees who by law can't join them and can't support them. This bill threatens to create a system of built-in scabs. I question how any worker will ever again be able to bargain with any impact when an employer has people on workfare at their disposal.

This undermines 100 years of struggle. I'm sure that for certain folks in this room, when I talk about the struggle to create trade unions, to create a middle class, it evokes images in their minds of lost profits, of workplaces that don't get as much done, in their minds, as could otherwise be done. But as a son of three generations of steelworkers in Welland and as somebody who knows and associates with people in Sudbury whose parents and grandparents worked and sometimes died in mines, I suggest that the struggle I refer to was the struggle for people like me being able to get to Laurentian, to go to university, to live in a home my parents owned and to begin to realize my potential.

As I speak of the solidarity created over the past few generations, I come to the further reason for which I am sure this government is presenting this bill. Tim Hudak, whom I paraphrased earlier, painted a portrait in the House of a GM worker from Port Colborne. Hudak

hypothesized that this GM worker and nurses, teachers and other working folks would consider the unionization of workfare participants as an affront. I say this is wishful thinking. I say that this government profits from propagating the myth that the greatest enemy to the average working person is the person on social assistance; that the greatest rival and enemy to the person on social assistance is the average working person. I further suggest that the potential unionization of people on social assistance, the potential empowerment of the poor in Ontario, represents a threat to this government and this bill addresses that threat.

Whether it's a union or whether it's 250,000 poor people and working-class people two years ago in October standing on University Avenue, I believe that these two groups working together and showing solidarity with each other, being able to work together for the first time, represents a threat to this government, and again I say it's the reason, in part, at least, why this legislation exists.

I beseech this committee to take to heart the view that I put forth and that my colleagues put forth on behalf of a great many students at Laurentian University, the view that all should be given the right to organize in a manner that they see fit. I invite all of you to think back to the houses of industry in industrial era England, or the work camps in Depression era Canada. I suggest that as you think of these Dickensian images, you keep three things in mind: first, that any program that has attempted to force skills on the unemployed in a fashion that limited their rights has abjectly failed; second, that the only people who should profit from programs for people on welfare are people on welfare; and third, that today's students, who are tomorrow's leaders, are committed to opposing this inhumanity. If the best we can do is wait until our time is there to lead and then get rid of this sort of agenda, get rid of this sort of bill and a great deal other bills that have been brought forward by this government, then that's exactly what we'll do.

Thank you for your attention and thank you for letting us submit today.

The Chair: Thank you very much for your presentation. That allows approximately three minutes per caucus. We begin with the third party.

Mr Kormos: Thank you to all three. I'm going to, if you'll excuse me, refer to you by first names because that's all I've remembered in the cases of Amy and Jamie and Todd. Are you all doing bachelor's degrees now?

Mr Bosak: Yes.

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Mr Kormos: The deregulation of tuition has jacked up — and as a lawyer, I'm not sure anybody would really want to be a lawyer anyway — admission into law school to the tune of four or five grand and to medical school beyond that. Down at the University of Western Ontario I understand the MBA program is sort of full-fare American style. What is it? Do you know?

Ms Bateman: I think it's around \$20,000.

Mr Kormos: What, \$20,000 a year tuition?

Ms Bateman: I think it's \$20,000 for the two years.

Mr Kormos: I can just tell you this very quickly. I was born in 1952. My parents were immigrant people. My father was a factory worker. I was the first generation of my family that got to go to college, university and law school. I'm probably among the first generation of children of working-class immigrant people who got to go to college, university or law school, and my most profound fear is that you could well be the last generation who as children, other than the children of the very wealthy, get access to post-secondary education. I can't think of three people for whom we could make a better investment than the three of you in the type of quality training and quality education that used to exist in this province.

Ms Martel: I just want to go back to the bill itself, which you were kind enough to address, which is that really there are three items here: that people can't join a trade union, they can't collective-bargain and they can't strike. I ask you a very simple question. You can elaborate, any one of the three of you. Do you think it's fair that the government has the ability to discriminate against people in this way?

Workfare recipients have no choice about whether or not they want to join a trade union. They have no choice if they're a salaried employee. They might have a choice in that respect, but in this case, with this bill that the government is bringing forward, effectively any choice about that is cut off. Do you think it's fair to impose this on a certain category of people only because they are on social assistance?

Mr Bosak: Certainly not. This is a group of people who have had things imposed on them repeatedly over the past three years and this is just another example, in our opinion and most of our students' opinions, of a way that we should be supporting people living in poverty. We definitely don't think it's fair in the least.

The Vice-Chair (Mr E.J. Douglas Rollins): Thank you. It's time for the government side.

Mr Stewart: I just want to clarify a point and I guess this is to Jamie. Jamie, did you say that getting a summer job so you can continue on with your education is a necessity, not an option?

Mr Wylie: It's becoming that way now. I come from a family that is fairly well off and I even find now, with all the increased costs to students, where in the past maybe in my first year I wasn't going to be in a lot of trouble if I only worked for two or three months, the only other option, if I can't find a full-time job for four months, is to take out a student loan.

Mr Stewart: So you're suggesting that what the province should be doing is giving free education, that if you don't want to get a job during the summer, people should pay for you to get that college education, whether you do any work or not, the rest of the people, including those folks who are trying to get off welfare and the working poor and so on, should be footing the bill for your education completely. Is that what you're telling me?

Mr Wylie: No, I never said that I didn't want to work.

Mr Stewart: You said it's now a necessity, not an option.

Mr Wylie: Right, and that's fine. A lot of people want to work, but when the jobs aren't there, they don't have a choice.

Mr Stewart: I would suggest to the three of you, if you'd like to come down to the constituency I represent, I'd like to take you in to talk to some people who are on this program who finally have an opportunity to get off the system. They're very proud of that. Unfortunately, there are groups around that are embarrassing them, that are making them look like the worst thing in the world because they're trying to get off the system and because they're in Ontario Works.

I would like the three of you to come down and I would introduce you to those people who have really got some incentive. They think they've finally got an opportunity now to get off the system. I would highly suggest to the three of you that it might be advisable — the program up here is reclamation of land — to go out and talk to those people and say, "Do you think this could really help you?" We get so critical of what people are trying to do to get off a system today that we forget to think that just maybe it might work and it might help these folks.

The Chair: Next we move to the official opposition, Mrs Papatello.

Mr Bosak: We were hoping to respond to his statement.

The Chair: I'm afraid his time is actually a little bit over, maybe about three seconds over.

Mrs Papatello: I'm sure I'll be getting those three seconds.

The Chair: Don't worry, you usually do.

Mrs Papatello: I'm going to try not to be nearly as patronizing as the former member because I'd like to think you took quite a bit of time to look into the bill that you were presenting for today. Thanks for coming.

I wanted to review quickly that the reason we are here is to discuss a bill that was simply a clause of Bill 142, the original workfare bill which came before us at committee last November. When members of the Conservative Party fell asleep at committee literally, they were not able to pass every clause. The section they slept through, and therefore failed, was section 73. This bill is actually section 73 that they slept through. But in the meantime, from November on through —

Mr Gerry Martiniuk (Cambridge): On a point of order, Mr Chair: The speaker is being totally inaccurate. It is one individual, it is not plural. She is misleading the individuals. I'd ask her to correct herself.

Mrs Papatello: Indeed one member did fall asleep. Unfortunately it was the one member they needed to pass with the majority on their committee. It was only one sleeping, but that's all you needed to not pass the clause. In any event, that's what has happened.

Since November it went through a political machination to be used now. It's not just the clause they slept through but it's slam labour. "Let's get on the road at taxpayers' money." To date, over \$700,000 has been spent on this clause which, yes, one member slept through and

the rest were diddling around. But they didn't pass the clause and here we are today.

In fact it's more divisive politics because, as you rightly pointed out, you have a student employment issue which is significant, I would say in crisis, and now you have yet one more group being put forward by the government to challenge you for the very jobs you've been looking for and now, thanks to this government's policy on tuition, are absolutely desperate to have. I'd like to have some response.

Mr Bosak: I think it's significant to note that the \$700,000 it took to send this committee around because of one member falling asleep would only be \$300,000 short of being able to arrange a tuition freeze at Laurentian University. I think that's significant.

Ms Bateman: Personally, I wonder where that \$700,000 and this committee were when the original bill was put forth. Why were there so few stops? There weren't the number of hearings that you're having on this small section. People did not get to voice their opinions on the original workfare bill.

Mrs Pupatello: You make a very good point. Many people couldn't get through in the initial set because it was so limited. Bill 142 had over 300 pages. This bill, as one page, is going to five different cities. My airplane ticket that the taxpayers have paid for was \$842. There are 19 of us here from Toronto coming to talk to you for two and a half hours before we jump on a plane back to Ottawa for a sleepover to get on a bus to Cornwall. They're not prepared to change one piece of this bill, not one sentence, not one word, because it's the same section they slept through in November, which is now costing us over \$700,000.

The Chair: I'd like to thank you very much for coming forward today and making a presentation. We very much appreciate your taking the time.

Mr Wylie: Thank you for the opportunity.

PAT NIRO

The Chair: We would now ask our next presenter, Pat Niro, to come forward and identify yourself for Hansard once you sit down.

Mr Pat Niro: Good afternoon, ladies and gentlemen. My name is Pat Niro and I would like to thank you for the opportunity to be here today to address this bill. By the way, I'm here on my volunteered time. I don't get paid; some of you do.

I'm a small business person from Whitefish, Ontario. In my former life I worked at Inco for 10 years and I was a member of the United Steelworkers of America, local 6500. I have lived here in Sudbury all of my life and I chose to become self-employed.

Prior to 1995, welfare had become a vicious trap. Between 1985 and 1995, over one million people were trapped on welfare. We created a dependency that sucked up millions of dollars per year and really helped no one get off the system.

What's wrong with asking people to work for the money they receive? I ask nothing less of my own employees.

In 1995 I supported Mike Harris's plan to bring in mandatory work for welfare. Like every other taxpayer in Ontario, I was tired of paying people to stay at home. As a tavern owner, I saw many of those very welfare recipients sitting in my bar spending the money that was tax dollars and that really bothered me. Many of my other customers felt the same way. It just doesn't make sense.

In 1996 I applauded the government's introduction of Ontario Works, as I finally found a government that shared my belief that people are much better off working.

When one works, one learns new skills and gains experience that will help one find jobs. When one works, one feels good about oneself. When one works, one can feel like they have made a contribution to our society. In short, we are restoring the work ethic, which we lost for so many years in Ontario.

Today I am here because I can't believe that someone would want to unionize workfare. Here we have a workfare program that is all about helping people learn the skills they need to get back into the workforce, and we have unions who want to throw a monkey wrench into helping people. It just makes no sense to me.

I am here to support Bill 22 because it helps protect the integrity of the welfare reforms the Mike Harris government has brought in. Bill 22 will ensure that welfare recipients get the skills they need to become productive members of our workforce and begin to experience all the joys that come with having a job.

1350

The Chair: Thank you very much for your presentation. It affords each caucus approximately seven minutes. We'll begin with the government members.

Mr Carroll: Thank you very much, Mr Niro. Just a couple of quick issues. The students who talked to us prior created an impression, at least with me, that hard-working people who work in the mines in Sudbury and so on believe that what we've done with work for welfare is unfair. You were a former mine worker. You were a member of the United Steelworkers of America. In your travels as a tavern owner and as a previous mine worker, do you really believe that the average guy you encounter in the street thinks that what we have done with providing opportunities for persons trapped in the welfare system to improve themselves is unfair?

Mr Niro: No, they don't think that's unfair. As a matter of fact, I was shocked this week when I was asking people in my bar if they knew anything about Bill 22 and the fact that someone wishes to unionize workfare, and they were very appalled. They said: "You've got to be kidding. How can you unionize somebody who's not working for a company?" Yes, definitely they believe that workfare is a fair thing and this unionization of workfare is ridiculous.

Mr Carroll: I know you heard the young people's presentation. Several parts of it concerned me. They have what appears to be a rather jaundiced view of what's

happening in Ontario. Income tax cuts that have been introduced since this government took over in the Sudbury region amount to about \$53 million. That's about \$53 million that the hard-working people of Sudbury have got to keep in their pockets every year rather than send down to Toronto for the bureaucrats and the politicians to waste. That's a lot of money that has been put into the economy. Some of it will be spent in your bar, no less. Some will be spent in the local stores, car dealers and so on.

These young people gave us the impression that most of the 3,000 students at Laurentian are opposed to the reforms this government has brought in that quite frankly are designed to ensure their future. Guys like you and I, we're going to survive this, and probably all of us sitting around this table. We're doing these things to improve their future and they don't understand. They came forward to say, "We're speaking on behalf of the 3,000 students at Laurentian University." Do any of those students come into your bar too and have the odd drink once in a while? How do you think the students feel?

Mr Niro: One of them is my daughter, and she certainly doesn't feel that. She pays tuition like everybody else and she works full-time. If you leave more money in our pockets and you have less government, jobs will be created by themselves, because if I had less tax money to pay, I could increase my workforce by 20%. That's a significant amount, and that is a small, small business. That's less than a \$300,000-a-year business.

Mr Carroll: Our objective is in fact to continue to reduce your tax burden so that you are in a position to create new jobs, and the new jobs you and business people like you create are jobs that last and jobs that will provide full-time employment for the folks we're trying to help through Ontario Works. Thanks for coming forward today and speaking. We appreciate it very much.

Mr Crozier: Welcome, Mr Niro. I just want to clarify one thing. You made the statement that in your bar you spoke to people and they were shocked to hear that people wanted to unionize workfare workers. Do you know of anyone who has tried to unionize workfare workers?

Mr Niro: No.

Mr Crozier: And this bill in its original form — it has been pointed out the government members were rather embarrassed about having to bring this in because it was defeated the first time through. This bill would purport to preclude workfare workers from organizing. No one I know of has tried to organize them yet. I just wanted to make that clear, that the bill tries to nip that off before anyone would probably even think of it.

You said you were shocked when you heard that. Would you also be shocked to find out that of the numbers the government purports to be involved in workfare, over 90% of them are simply doing something that we have always had in our social assistance system, and that is that they are out looking for work, that fewer than 90% are involved with day-to-day work and/or skills training? Are you shocked to hear that?

Mr Niro: That 90% are still looking for work?

Mr Crozier: That 90% of those who are purported to be part of this great workfare system are not in fact working. They register one day. They go in and register and for the next four months they're on their own on a job search. They're not using a shovel. They're not learning to drive a truck. They're not learning to operate a machine.

Mr Niro: Would it shock you that I have difficulty filling jobs in my premises? They're not knocking down my door.

Interruption.

The Chair: Order, please.

Mr Niro: Welfare recipients make more than I do. I can show you my financial statement; I have it with me. In any case, they're not knocking the door down. I have two positions open right now and no one is applying for them. Whether it's minimum wage or whatever it is, I worked for minimum wage and I'd sooner be on minimum wage than welfare.

Mr Crozier: Whether I'm shocked or not, I'm certainly not pleased to hear that, but you haven't answered my question. I answered yours. You answer. Are you shocked to know —

Mr Niro: If you have these people who are looking for work, they're not looking in the right place. They're not willing to go to work. My suggestion is to get rid of welfare.

1400

Mr Crozier: Then workfare isn't working, is it?

Mr Niro: At least it's a solution. It's better than welfare, sitting at home.

Would you be shocked if I told you that two days ago a young gentlemen of very good health, 30 years of age, came up to me and asked me if I had a room for rent. I said, "Yes, I do." He said, "Can I have the room so I can use it in order to apply for welfare, because the determinant is to have a residence?" I said: "Are you crazy? Do you know whose money you're collecting? My money." This is what's going on. I've been in this business over 20 years and it's not the first time I've been approached by a welfare recipient in that way.

Mr Crozier: Mr Niro, even if you won't answer my question, just go away and think about it: Of the numbers Mr Carroll and Ms Ecker and others tout as being a successful workfare program, more than 90% are not working. I'll pass on to my colleague.

Mr Niro: May I answer that question?

Mrs Pupatello: I just wanted to —

Mr Niro: May I say something to that?

Mrs Pupatello: I actually just wanted to say —

Mr Niro: I'm not a politician. Can I say something to that gentleman?

Mrs Pupatello: No. Actually, I have the floor now. Thank you. Mr Niro, I just wanted to see how shocked you would be because you keep talking about being shocked. You're especially concerned about taxes. My big concern with this whole charade of Bill 22 is that the bill was just a clause from another bill and that their ineptness didn't allow the clause to pass.

Mr Niro: Yes, I heard you before.

Mrs Papatello: Now they're spending over \$700,000 of your money for this charade to go parade around Ontario and they have no intention of changing one clause of the bill. That is a complete and utter waste of money. There may be some people in the welfare system who needs lots of incentive to get off the program, but if I were a business person, let me tell you, Mr Niro, I would never invest my money in a program that had a 97% failure rate, which is workfare's rate of success. They're actually failing by 97%.

Mr Niro: Do you have a question or are you preaching?

Mrs Papatello: If you had a business, you would be out of business. You wouldn't have the time —

Mr Niro: Do you have a question or are you going to preach to me?

Mrs Papatello: I have the floor.

Mr Niro: Well, ask the —

Mrs Papatello: You actually would not have the time. If your business were like this one, being run by this government, you would be bankrupt. You would not have the time to come and volunteer here today, so I'm assuming you're a successful businessman —

Mr Niro: I've been under your government also.

Mrs Papatello: — and you would never, ever waste the kind of money this government has wasted to put this kind of a proposal forward which is a mockery, frankly, of the system, which has taken money from hard-working people like you and actually blown it on billboards, magazine advertising and radio ads talking about the successes of workfare when all of the time it has been a 97% failure rate. They continue to take taxpayers' money to drag us around Ontario so that they can keep politicizing the needs of people who do have to get into the workforce.

All I can continue to say is that we cannot come to a community like Sudbury, which is very much like my hometown of Windsor, I must say, and hear from people, good, hardworking taxpayers like yourself who in fact today — do you know what small businesses in my hometown are suffering from with this government? In some cases, 150% increases in their property tax because of this government's new property assessment. We are going crazy. All of Erie Street, which is our Via Italia, which is our business district, one of our most successful — 150% property taxes. You know what one fellow said to me?

The Chair: Thank you very much, Ms Papatello.

Mrs Papatello: "Mr Harris had the nerve to come and ask me for a political donation."

The Chair: Thank you very much, Ms Papatello. We now move to the third party.

Ms Martel: I want to return to the questions and answers around Mr Carroll's comments. I was curious about that. Mr Carroll asked you if you thought that with all the money that's coming back to Sudbury from the tax cut we were going to see lots more jobs opportunity. You agreed with that.

Mr Niro: Yes.

Ms Martel: OK. You would probably know that in the last couple of weeks the Sudbury Star has been running a series on unemployment rates in the city.

Mr Niro: Yes.

Ms Martel: If I read the articles right, the unemployment —

Mr Niro: I don't read the Sudbury Star.

Ms Martel: I do. For those who read it, the unemployment rates in the city are higher —

Mr Niro: I read Northern Life.

Ms Martel: — than ever before, actually. So at a time when the government's tax cut has been fully implemented, this community has the highest unemployment rate it's ever had. Can you explain to me how the government's tax cut is creating wealth in this community when in fact our unemployment rate is at the highest ever?

Mr Niro: What do they base their figures on? I have no idea.

Ms Martel: Those people who were looking for employment and registered as unemployed.

Mr Niro: The only way I can answer your question is the same way I answered the first question: I have two positions open and no one is applying for them. What can I tell you?

Interruption.

The Chair: Order from the floor, please.

Mr Niro: Yes, I know. Sure.

Interruption.

The Chair: Order from the floor, please, sir. That's the second time you've interjected. This is a committee of the government which follows the government's rules, which essentially means that the committee people are allowed to present to —

Interruption.

The Chair: He is a committee member, sir. You are allowed to be present in committee. The interjections from the floor are normal for part of — well, not normal, but they're anticipated proceedings. Members from the audience are allowed to view, but they are not allowed to interject, please. Thank you.

You may continue.

Mr Kormos: But it does liven things up a little bit, Chair.

The Chair: Thank you very much.

Ms Martel: My second question: You talked about what people in your bar thought about a union wanting to go and organize employees, and of course we already made it clear that no union has tried to do that. In fact what the bill does is prohibit workers from ever having that choice. That's who is denied a basic right. Can you tell me, what do you think an average worker at Inco, a Steelworker, or someone who works for Falconbridge would think about a government denying someone a basic right to organize?

Mr Niro: The people I spoke to are unionists. They belong either to the Steelworkers or to Falconbridge Mine Mill. They don't disagree with the rights of workers, they don't disagree with that, but —

Ms Martel: So they would think a worker should have that right. Is that correct?

Mr Niro: No, just a minute.

Ms Martel: I just want to clarify that what you're saying is they think —

Mr Niro: Workers, OK?

Ms Martel: Yes.

Mr Niro: Now, when you're working for the government, who do you work for? Who employs you when you work for the government?

Ms Martel: The taxpayers pay your salary.

Mr Niro: The taxpayers. The taxpayers are poor people. They're poorer than you are and you draw a salary larger than the poor people who keep you there. How do you justify that and then say that the people of this province are the employers of these workfare programs and they are going to work with the union to give these people rights to bargain, against themselves, against their own?

Ms Martel: No, the issue is —

Mr Niro: Do you understand what I'm saying here?

Ms Martel: No, I don't because the issue is —

Mr Niro: You don't understand what I'm saying here.

Ms Martel: We're not even talking about money. The bill doesn't have anything to do with money.

Mr Niro: No, no.

Ms Martel: It's about, does a worker in Ontario have a basic right to decide to join a trade union, yes or no?

Mr Niro: Workfare does not come under a union or the right to strike or the right to negotiate.

Ms Martel: Because this government is trying to deny that with this bill.

Mr Niro: No.

Ms Martel: We understand that.

Mr Niro: No, because you've got to work for somebody to be — if you're in workfare, you're not working for anybody. You're working for the people. That's all you're doing.

Ms Martel: You work in a place of employment. An employer brings you in, is supposed to train you. Supposedly, this government is saying, people are going to get permanent jobs. Right? This is what the government is trying to say. What I'm asking is, do you think any government has a right to say that a worker who is training in a workplace and doing the job like everyone else doesn't have a right to belong to a union?

Mr Niro: What person do you know in workfare who is working for a company or a private enterprise, the private sector?

Ms Martel: The government hasn't extended it to the private sector. That's the next bill that's going to come this fall.

Mr Niro: How do you want me to comment on something I don't know anything about? It's not even in existence and you want me to comment on —

Ms Martel: No, no, I asked you as someone who used to be a trade unionist. All right?

Mr Niro: Yes.

Ms Martel: Do you believe the government should tell you that you couldn't have belonged to local 6500? Do you believe the government should tell someone who's a

workfare recipient that they don't have a basic right that everyone else enjoys in this province?

Mr Niro: If today anyone would tell me that I don't have that right, I say that's fine, simply because the legislation is in place to protect workers in Ontario. I don't care whether you belong to a union or whether you don't belong to a union.

Ms Martel: No, but it's not. That's the point.

Mr Niro: The legislation is in place to protect workers, whether you belong or you don't. Therefore, I don't see any point in unionism. I don't see any point in belonging to a bargaining unit because you have the legislation to protect you.

Ms Martel: They don't even have a basic right to strike.

Mr Niro: Why would you want to strike?

Ms Martel: That is taken out here, too.

Mr Niro: Why would you want to strike?

Ms Martel: So basic rights that other people enjoy are denied this class of worker. Is that right?

Mr Niro: I can't go on strike.

Ms Martel: Are you a worker or an employer?

Mr Niro: I'm an employer. I work for the government.

1410

Ms Pupatello: On a point of order, Mr Chair: For clarification, could you confirm that in fact the clause they slept through last October or November actually exempted the workfare placement from employment standards and from any act that deals with employees in Ontario?

The Chair: That is not a requirement or a function of the Chair's position. It is not a point of order. There's very little time left. Go ahead.

Mr Kormos: The Chair always does this to me. He always makes sure I've got less time than anybody else.

Look, Mr Niro, I'm not going to convince you obviously to think my way.

Mr Niro: No.

Mr Kormos: I have no hesitation in saying —

Mr Niro: I've read a lot about you, sir.

Mr Kormos: You know what? Next time I'm in Whitefish — Whitefish?

Mr Niro: Yes. You come in and I'll introduce you.

Mr Kormos: What's the name of your bar?

Mr Niro: Penage Hotel.

Mr Kormos: I've been in a few bars in my life, so I'm sure I won't feel less than comfortable.

Mr Niro: You'll be OK.

Mr Kormos: I'm from down in Welland. Atlas steels, Stelco, Stelpipe, small business people — and I understand where you're coming from. My grandparents were small business people. My parents were. I grew up in it. I worked in the family business from a kid. You know how it works and I was a small business person myself.

The Chair: Thank you very much.

Mr Kormos: But down where I come from —

The Chair: Thank you very much.

Interjection.

The Chair: Thank you, Mr Kormos.

Interjection.

The Chair: Mr Kormos, thank you.

Mr Niro: How do you explain I don't have any customers to —

The Chair: Order, please. Thank you very much for taking the time to come forward today. We very much appreciate your taking the time to come for a presentation today.

I call our next presenters forward, representatives of the Ontario Public Service Employees Union, Sudbury regional district office.

Mrs Papatello: I suggest the gentleman at the back come and speak to us in that time spot.

The Chair: Thank you.

PHIL KENNEDY

The Chair: We call on our next presenter, if Phil Kennedy could come forward. Thank you very much for being here today. In case you were not here earlier, there's a total time of 25 minutes allocated and at the conclusion of your presentation any time remaining is divided equally between the three caucuses.

Mr Phil Kennedy: It's not going to take me 25 minutes.

The Chair: You may begin.

Mr Kennedy: I was told I was going to be speaking to four people here today and there are a lot more than that.

Mr Crozier: That's what the government prefers.

Interjections.

The Chair: Order, please. You may begin, Mr Kennedy.

Mr Kennedy: My name is Phil Kennedy. I'm a carpenter and a small building contractor here in town. I employ between one and eight people at a time. I was supposed to receive literature on this bill, which I did not receive. Therefore, I am going to tell you my feelings on the welfare system and how it's working. I should also tell you —

Mrs Papatello: Just as a point of order, Chair, would he get information from the clerk's office?

The Chair: No, it's not a normal procedure for the clerk's office to issue information to presenters.

Mrs Papatello: Could we just ask the speaker to identify who he's asking information —

The Chair: That's not a point of order.

Mr Kennedy: It doesn't matter. I've prepared something to speak to, OK?

Mrs Papatello: Who didn't send you information?

The Chair: You can ask those questions later.

Mr Kennedy: I should tell you that unlike many people here I will not profit in any way from being here today. I'm not looking for grants, I'm not looking for anything like that. I'm here just to give my opinion.

I was brought up in a middle-class family where you earn everything you want and I was taught this from a very young age.

My experience with the welfare system ties directly with one young fellow I hired who was on welfare. I'll tell you how that progressed and how it has affected me. I

hired him approximately three years ago. His name is Travis, a young man. I hired him through the Futures program. Travis was a hard worker, but he couldn't make it to work on time or regularly, so eventually he was fired. Eight months later I met Travis in a mall and he was on welfare. Because he was a hard worker, I hired him again.

I guess I should tell you something of Travis's background. Travis's father left at eight years old. His step-father drinks. His mother plays bingo every night. He was booted out at 18. He had no high school. He had a poor diet. He had no vehicle. He smoked and he drank. So I had this young man to start with.

Over the course of time I got to know Travis very well and taught him to respect the value of a dollar and to earn it. He came out with every excuse in the book to miss work while he was working for me, but I just wouldn't accept them. He laughs now at the way things progressed. He would bike three miles to work in the morning. We'd get in the truck and drive by his house on the way to work. It wasn't my job to get him to work. He's learned that; he understands that.

He'd come up with excuses: "I'm catching a cold, I can't make it to work." He always laughs at this one. I brought him garlic pills to work. I said, "This will help fight any infection you're catching." He has learned to be at work every day and work hard and become part of the solution. He really has. Today Travis is a second-year carpenter apprentice with me. He's a very good employee. He owns his own car. Actually he's my only employee left. I've let everyone else go. I have very little work. He's the only man working for me. He's also trying to buy a house. As well, he's cut his smoking down from one and a half packs a day to a quarter of a pack a day and he's soon quitting. I see tremendous progress in this man.

To have done this with Travis in the union would have been absolutely impossible. There is no way I could have helped him. I would not even have tried. My hands would have been tied. The way I see welfare today, I see the problem as unions. I don't see welfare being presented as it should be. Welfare should be a hand up, not a handout. In the real world, before you get a dime from anyone, you present a business plan: "This is where I am now, this is where I want to be in two years, and this is how I plan to get there." That's a hand up.

I'm applying right now for business grants to start a new business. That's how I feel things should be approached in a welfare system as well. You're in trouble; you're down and out. By all means, I feel people should be helped. But how did you get there? How are you going to get out of it? How long is it going to take you? That's what our system needs for people to become self-sufficient.

As well, I feel that debit cards shouldn't be brought into the welfare system. People on welfare should be, like I say, given a hand up. No cigarettes, no cable TV, no gambling, no bingo, no chips. You buy what you need. Welfare's supposed to be a help, not a free ride. That's my opinion on it.

The Chair: Thank you very much for your presentation. We're just over five and a half minutes per caucus. We begin with the official opposition.

Mrs Papatello: What's quite interesting about your description and the experience you had with an employee is that it sounds like you spent a considerable amount of investment to develop him into a very reliable worker who now is self-sufficient and is reliable for you. You worked on that. What was interesting about that whole story, as I was listening to you, was the description of programs that exist out there for people who are, like you, the trainer. They are prepared to take somebody under their wing. They've got the skills, first of all, if they're not a small business person or an owner themselves. They are in a position to know all the things that will lead somebody to become reliable and independent, to teach punctuality, to teach training issues, to teach people the ropes, all those things.

Everything you describe is the perfect part of a real training program. That's why I'm glad you talked about your own experience, because what I was hoping was that for a government that was really intent on getting to people who are on welfare, offering them this opportunity to get off the system, it was going to be a training program exactly like the one you described. I agree with that. I think many of the people who are on the system come from a background where punctuality may never have been an issue in their lives. They may not have finished school and don't have the education qualifications to do carpentry or anything where the job is available.

You need to have a program that offers the real kind of training for the jobs they're going to go after. If only we had got you to talk to the government before they wrote Ontario Works, because what you speak about is exactly the kind of training program they should have been improving instead of the one they actually brought in. I don't think I'm going to change your opinion. Your language is very similar to what I hear in the House, actually, the clauses you use and all of that. I'm presuming I may not change your mind. But if you actually look at how you get people off the system, they're everything you've already had experience with.

1420

Mr Kennedy: You haven't told me how unionizing is going to —

Mrs Papatello: If I may, unfortunately, I have the floor. The point is that this bill —

Mr Kennedy: You're going on, but you haven't told me how unionizing workfare will help.

Mrs Papatello: You can't interrupt me, that's the thing. This bill isn't about what it's titled. What this bill is about simply is the one clause that the government slept through last November because the Ontario Works bill —

Mr Kennedy: OK, you've lost me.

Mrs Papatello: Last October, November, we already did the bill on workfare. When we finish doing hearings and we go back to Toronto, they do a clause-by-clause. At each section of the bill the government and we, as opposition members, have to pass each section. They have

a majority of the committee. But because their committee members were busy — one was sleeping, one was doing correspondence, one was out of the room — when it came to this certain section, actually section 73, they didn't get to pass that clause because the guy was sleeping. That clause was an integral part of the bill. It was actually number 73.

The bill, Bill 22, only has one section in it. Do you know what the number is? It's 73, the one they slept through. All they did was throw this unionization crap in the title because this was the same clause they slept through. That's the only reason we're here. So you come to us, genuinely wanting to talk about the validity of workfare. I think that's laudable. I appreciate the fact that you personally have experienced how to train people and get them into the workforce. Unfortunately, what's happening in workfare today is that after three years of Mike Harris and millions of dollars, your taxpayers' dollars as a small business person, as a taxpayer, they've brought in workfare with a 97% failure rate because they told Ontarians, "If we win, they're going to work for their benefits." That's what they said.

After three years, 97% of people on welfare are not working for benefits. Mr Kennedy, no business would take that kind of percentage. No business would take that kind of investment and have plundered it like this. No business would spend over \$700,000 to parade us around Ontario for a clause they slept through. This is an embarrassment.

As a businessman, I expect you to ask your colleagues who may well be in that party. You are a supporter of workfare essentially, but you should have been given the facts about what we were dealing with here. It wasn't about workfare. They passed that last year. All this is about is the one clause they slept through. This parliamentary assistant had to admit it when we were at committee. It's the same section 73. That's the only reason we're here today. It has nothing to do with real training to get people off the system.

Mr Kormos: I hear what you're saying. Look, I want to tell you, you're not alone. You heard the small business person before you.

Mr Kennedy: No, I didn't.

Mr Kormos: I'm sorry. I wish you had because I think he shares some of your views. Ms Papatello talked about your narration of the work you've done with a worker who's now a second-year apprentice. I'm from down in Niagara region. Let me tell you, any apprenticeship, especially something in the trades like carpentry, brick-laying, things like that, is very hard to come by. There are young folks down there who would give their left arm for an apprenticeship like that. You've also addressed the issue of the matter of whether somebody who's — because workfare's a done deal, right?

Mr Kennedy: Yes.

Mr Kormos: That bill passed whenever. It's a done deal. I suspect I'm on a different side of the fence than you are, although I suspect that —

Mr Kennedy: I'm sorry, I just have to ask you something here.

Mr Kormos: Go ahead, sure.

Mr Kennedy: Are you saying that workfare is going to work more efficiently if they unionize it?

Mr Kormos: No, we're getting to that.

Mr Kennedy: I don't understand how that would make it work any more efficiently.

Mr Kormos: The data show it doesn't work well at all now.

Mr Kennedy: Do you have a better solution to propose?

Mr Kormos: However, let's talk about this: The government has a right to tell people they can't strike. We know that. Many governments have exercised that right. I don't agree with it. That's a different story. But they have that right. The bill here has three parts. It says that you can't strike. It says that you can't collectively bargain. In other words, you can't negotiate your wages. It also says that you can't join a trade union. Whether trade unions are going to make it work better or not, who am I to tell somebody that they can't join a trade union? Do you think I should have that right as a legislator, to tell somebody, "You can't join"?

Mr Kennedy: They're not employed. Workfare is to bring them in the door. Once they're in the door and they've proved themselves a competent employee, then you become an employee for the company you've been working for as workfare.

Mr Kormos: Fair enough.

Mr Kennedy: Then by all means you can join a union. You're no longer on workfare.

Mr Kormos: Okay. But there are any number of unions that I can join now, even though I don't work in that particular trade. Not all unions will let me do it because some require me to work in their trade. There are other unions where, I suppose, if I pay my dues I can join the union. You wouldn't deny me that right, would you?

Mr Kennedy: I've never been in a union. I see unions as a past necessity. There was a time when the employer had the employee just like that and unions were a definite necessity. They had them under their thumb and they would work them for nothing. But with today's legislation and the way things work — I feel unions used to be for the working man. I feel now a union is for the man who won't work.

Being from Sudbury and seeing Inco my whole life, that's my opinion. I deal with different lumberyards in town and different places, and if it's unionized the employees just don't care. They don't care.

You tell me about unions and this and that. These people, we're trying to teach them to care from the beginning, and the first thing you want to do is unionize them. It just makes no sense.

Mr Kormos: Okay. You and I are not going to agree on this.

Mr Kennedy: No.

Mr Kormos: There isn't a snowball's chance in hell of us agreeing. I'll tell you, though, what the experience is of folks, as I told Mr Niro, who is a small business person. Down where I come from, which is a steel town, a pipe

town, heavily unionized, the small business folks there understand that the unions help maintain good wages, and that if workers aren't making those good wages, they ain't buying new homes, they ain't building renovations, they ain't putting additions on their houses. They aren't buying socks and shoes and cars.

Mr Kennedy: Yes, but they don't balance. I employ people for a living. I can pay a man \$20 an hour, \$25 an hour, probably \$30 an hour if the man is there, if he's attentive, if he produces. A man who will not work will break you at \$5 an hour. That's how it works.

Unions, like I say, have to move to the middle of the road and help to get the work done as well, not just grab, grab, grab. That's not what it's supposed to be about. I hear unions on the radio complaining. I heard Espanola Hydro talking about how tough things were for them, and I've seen the teachers complaining. They're picketing and they're protesting. These jobs are gravy jobs. They're the best jobs in the country. If they don't want the job, quit. The lineup will go from here to Toronto with people applying for the jobs. Anyone would love to have them, yet they complain. If I hurt my back, I'm out of work; that's how it works. Not these people.

Mr Kormos: As I say, you and I are never going to agree on this.

Mr Carroll: Thank you, Mr Kennedy. It's so nice to hear somebody speak from some first-hand, practical, everyday knowledge of what the real world in fact really does consist of.

You mentioned the philosophy of a hand up and not a handout, and that's exactly what we're proposing. It's interesting. We hear the number bandied about, the 90% failure rate of Ontario Works that Ms Papatello likes to throw out indiscriminately. I'd like to bring you maybe a little closer to home and talk about Timiskaming, a community up north. It happens to be a community where the community embraced the concept of Ontario Works. They embraced the idea that to allow people to stay trapped in welfare was condemning them to a life of poverty. They embraced the concept that if we could help those folks to get some training and get connected to society, maybe there could be a better life for them.

Timiskaming embraced that concept and it had some absolutely wonderful results with the Ontario Works program. I quote from a letter that was written by their coordinator of Ontario Works, Don Louie, where he talks about how at the present time — this is May 15 — they had approximately 125 participants in Timiskaming doing valuable community work. That was 25% of their case load. The other 75% were actively involved in job search, with many of them doing education and seeking employment opportunities.

1430

There's been a little bit more opposition by organized labour and people to the workfare concept in Sudbury, so the results aren't as good, but they're starting to happen in Sudbury. There have been 457 people in the Sudbury region placed into it.

So it will work. It needs everybody to help. It needs employers to help, it needs trade unions to help, it needs government to help, but it will work. There's all kinds of evidence that it will work.

It was interesting. You weren't here earlier, Mr Kennedy, but I tried to encourage all members of the committee to actually visit and talk with some people who are participating, and the opposition were opposed to doing that.

Mrs Pupatello: On a point of order, Mr Chair: Could I ask the Chair to have the parliamentary assistant table any and all research that shows that workfare works? Because as you know, Chair, there is none that has been presented to date.

The Chair: That is not a point of order, but it can be a request at a later date.

Mr Carroll: It was interesting, Mr Kennedy, that the opposition were particularly vehement in their refusal to even want to look at and talk to people who are being assisted by this program.

You pointed to an example of a young man you worked with, and you, from your first-hand experience, have said that if the man had been a member of a trade union, you would not as an employer have done any of the things you did to go out of your way to help him. And yet we have the opposition people, the Liberals, saying, "We should allow these people to be unionized."

Mrs Pupatello: Don't ever paraphrase for the Liberal Party.

The Chair: Order, please.

Mr Carroll: It absolutely amazes me that the Liberals would advance that philosophy, that they would refuse to go and see in actual fact that Ontario Works does work. There are examples in Timiskaming and in Sudbury where it works.

As a carpenter, if you had an opportunity to work with some people —

Mrs Pupatello: You're running out of steam today.

The Chair: Order, please.

Mr Carroll: If you had an opportunity to work with some people who were trapped in welfare, could you work with those folks? If it wasn't going to cost you any money, could you work with those folks to teach them some things about carpentry so they could go and find meaningful employment? Could you do that as a trained carpenter?

Mr Kennedy: The whole thing that you ask, the whole way that this is working — you can lead a horse to water but you can't make him drink. You're going to force them to work when they don't want to work, and then you're going to tell them they have the right not to work after that. They have a right to a union, which means they don't have to do this and they don't have to do that, but you have to be there. It's a total waste of time for everybody.

I have a question for you. You can't make anyone do anything they don't want to do. I'm into fitness. I have people ask me all the time: "How do I lose weight? How do I do this?" You have to want to. You have to want to do it.

Mr Kormos: We should all be listening to you.

Mr Kennedy: You have to want it. If you want to lose 20 pounds, you have to want to. This is the same thing. If you want these people to become self-sufficient, they have to want to. They come in and they ask for money and say, "I want welfare." "Okay, fine. You're down and out. We'll help you. What are you going to do to get out of it? Before you receive a dime, what are you going to do and how long is it going to take?" That's the way I think things should be done.

Mr Carroll: In the new Ontario Works program, when somebody comes in and applies for welfare, the initial interview talks about, "How are we going to have you exit the program?" So it's very much a job creation —

The Chair: Thank you, Mr Carroll. Thank you very much, Mr Kennedy, for coming forward. We very much appreciate the time you've taken to come forward today, and we really appreciate your views.

GROUP ACTION AGAINST POVERTY

The Chair: We would now call on our next presenter, Group Action Against Poverty from Sudbury. We have a copy of your presentation and will distribute it to the members as soon as we can get it copied.

Ms Bobbie Cascanette: It's not part of my presentation, but I have to say that it's been very difficult. I was only here for the last two presentations, but the general character assassination of people on welfare as not wanting to work and wanting to use unions and whatever to avoid working is highly insulting. I really am disgusted that that was the form of the conversation.

Anyway, I'm Bobbie Cascanette. I'm a spokesperson for Group Action Against Poverty. We're a network of people concerned with issues of poverty who are mutually supportive, creating opportunities for personal and collective empowerment through encouragement, education and the promotion of co-operative ventures.

Ironically, this legislation could make our organization illegal. Though we're not a union, we do attempt to collectively bargain for the terms and conditions that will affect Ontario Works community placements. Our experience proves to us the huge personal benefits of this form of support and co-operation.

Most of the GAAP members came together because of our shared concern about workfare, but our mutual support and co-operation did not stop there. We've helped each other find jobs and apartments and get into school, and generally supported each other in our individual endeavours. We have done things with and for each other that no one else could do for us, and have become known as a resource and support for other low-income people. These activities would be enhanced by membership with larger organizations. We wonder why you're trying to interfere with this.

I have to add that I personally came through community placements and I did find them a tool. Our objection is to how this is being set up and the areas that are being allowed for exploitation. We believe in people getting experience. We personally are all very motivated to get

into the workforce and be earning our own income and not relying on assistance, but we don't see the way things are being set up enhancing that opportunity.

One of the things that's happening here in Sudbury — I've got to mention it because it personally sticks in my craw. We have a huge program here, regreening. It's internationally renowned. It's been of huge value in improving the tourism attraction of this community. This is a major portion of our placements. This community is not paying paycheques to do that regreening because they can get it through programs like workfare. The people doing that could be getting a paycheque, not an assistance cheque. That's an example of how this type of program is allowed to replace real jobs.

For many decades now, the western world has agreed that all human beings have the right to join any organization that they may wish to as long as they were not doing so for the purpose of committing an illegal act. As a matter of fact, it was one of our main criticisms of dictators in Communist countries. Until this government, we did not think anyone in Canada disputed this. We took great pride in the fact that in the great democracy of Canada it was legal for any citizen to join any ridiculous organization they chose. I hope you appreciate that if this legislation passes, it will be legal for a citizen of Ontario to join the Ku Klux Klan, a group well known for its illegal activity, but a workfare participant will be performing an illegal act if they join a union or an organization like GAAP.

This legislation completely contradicts what we were told as this government originally introduced its Ontario Works program. At that time, GAAP, in unison with many anti-poverty groups, labour activists, human rights activists and opposition members, expressed concern that workfare participants would be denied the same basic human rights and protections as other workers. Repeatedly we were told that placements would be covered by all relevant labour laws. It is with great disappointment and anger that we sit here today discussing a piece of legislation that blatantly proves the outright lies those reassurances have proven to be. We've drafted this presentation a number of times and have decided that we will express our disgust at this behaviour and leave it at that.

I really can't emphasize enough the idea that we want to group together and work co-operatively to avoid jobs? Get real. People who want to avoid jobs and so forth are not going to get around other people. They're going to stay isolated. They're not going to come out to get the help, support and kick in the butt that we tend to give each other. We will police ourselves, our own group. We don't like the stereotypes of the lazy welfare people which are out there, and we will kick the butts of other welfare people faster than anyone else to get going and doing what they can.

This piece of legislation makes it illegal for workfare participants to collectively bargain for better conditions for themselves. Let's really think about this. This legislation specifically says it will be illegal for workfare

participants to collectively bargain. This point is made independently. First you can't join a union; then you can't collectively bargain. In a world of associations and organizations mandated to advance the collective agendas of every conceivable special interest group, this government is trying to deny this right specifically to workfare participants.

Unfortunately, history has proven that it's human nature for the powerful to exploit people for cheap labour. We've been guilty of everything from outright slavery to work camps to sweatshops. Collective bargaining has proven to be one of the most effective deterrents to this kind of exploitation. As far as I know, no one has ever managed to use collective bargaining as a tool of exploitation. What's the problem?

1440

The gentleman previous to me was saying that the idea is you get in, you become a valuable part of the company and then you get a job. Previous programs have shown that's not what businesses do. They get in, they get the work, then you're left out, and they bring in the next guy for the cheap labour. The type of thing that would probably be collectively bargained for is exactly that. Once the company has had the placement, then they have to have a commitment to turning that into a job, once the training and the work ethic have been established. These are the types of things we would organize for.

We're not against community placement, we're against exploitation. The type of things we would get together to collectively argue for would be jobs, would be the fact that the business end would have to live up to their end of the bargain. I'm sorry, but there's no proof that they do that on their own. We need to get together collectively. That's how unions started here in Sudbury. They had all the men working in the mines and were refusing to pay a living wage. They had to organize and collectively agree to get living wages. That's our history, back to the slaves in Egypt having to strike for garlic. It's throughout our history, and we have to balance that off by being allowed to collectively bargain.

This piece of legislation makes it illegal for workfare participants to go on strike. This one is hilarious. Why? What's going to happen if we do go on strike? We're not supposed to be replacing jobs so there should be no interruption in service. What harm can be done if we go on strike?

Laws are intended to be used to protect people. We want to know who this legislation is protecting and who they're protecting us from.

The Chair: Thank you very much for your presentation. That allows us approximately five minutes per caucus. We begin with the third party.

Mr Kormos: Ms Martel is going to want to speak.

I especially appreciated your opening comment. You sat through the last two presentations. Here I am up in Sudbury, a good few miles away from my hometown. I do assume that both those presenters were decent people in their own right, hard-working people. But remember the election in 1995 — you made reference to this — and the

whole myth about the family on welfare who had the pizza delivered by cab every day and the beer twice a week. Right? Yet when you asked people to name names and track it down, it was always, "Oh, it's my sister-in-law's brother's wife's friend's neighbour." Nobody could ever tell you who it is.

Fraud? You know what? I wish these guys spent a fraction detecting income tax fraud compared to the fortune they're spending, futilely, because they've arrested a handful of people and convicted even fewer over the course of two years. I wish they'd spend as much energy tracking down income tax fraud. We'll find some real bucks there. What you're talking about is demonizing the poor.

Ms Cascanette: Yes.

Mr Kormos: Do you know what my fear is? These guys know that's still a hot button. I heard the tavern owner say business was —

Ms Cascanette: I'm sorry, but character references from a bunch of people in a bar?

Mr Kormos: But I heard the tavern owner say business is not as good as it used to be. I heard the carpenter say he's reduced down to one worker only.

Mr Stewart: That was not very nice.

Ms Cascanette: You didn't object when they were doing it to us.

Mr Stewart: That was not a very nice comment.

Mr Kormos: My fear is that as times get tougher and people are under siege, they're going to look for somebody below them, somebody to beat up on. History has demonstrated that. These guys are going to do the welfare number again, come the next provincial election. They're going to do it in this by-election in Nickel Belt.

I appreciate your coming, but I'm saying we'd better make sure, all of us who understand what poverty means and who understand what it means to be told, "We're giving you a hand up by giving you less money; we're taking away a \$37-a-month allowance for pregnant women so they can buy a little bit more nutrition for that unborn baby inside them," we'd better make sure there are no damn Tories elected anywhere in this province, and that means becoming very political too. I want to thank you for coming, but we've got to fight these guys at all levels.

Ms Martel: Bobbie, do you have any direct experience with the Sudbury regreening program that you alluded to earlier in your presentation?

Ms Cascanette: No, I don't have any direct experience with it. I do know people who have participated in it, and it's been mixed. There are people who love to do that type of work and love to see it happening, and there have been people who, under the heat and allergies and so forth, have had a really hard time with it.

Ms Martel: The reason I raise it is because earlier, when you were not here, the Chair tried to move a motion that the committee, when it was in different communities, should go to work sites and has made a point of asking people who agree with the government point of view what they think about the opposition not wanting to do that. He

neglects to mention, of course, that we said if he wanted to do that on his own time, without having the taxpayers pick up the tab, that was certainly his right.

What would you think of him visiting the site in Sudbury on the way back to the airport today, where you can see the people on workfare who are outside? They have made numerous requests, including to my office, to actually get an outdoor toilet on the site, and this has been denied. Do you think that maybe the committee should stop on its way out to the airport and examine that and see how effective this workfare project is working at this point in time?

Ms Cascanette: That's the type of thing that you would have to get through — it's ridiculous that individual requests — can't get a toilet while you're on a site.

Ms Martel: Sorry, it wasn't the Chair, it was the PA. I hope you get a chance to do that because it hasn't been addressed yet. I just raise that point.

Let us go back to this issue of your rights as a recipient who wants to work, who is in a placement. Basically what the government has decided is that they will discriminate against a certain class of people because they are on welfare, and that group of people will not have the same rights to organize, to strike, to collectively bargain as every other worker does. Do you think that's right? Do you have any explanation as to why the government would want to do this to a certain class of people in Ontario today?

Ms Cascanette: Not without him getting upset.

Ms Martel: That's okay. It's your time. You can use it whatever way you want.

Ms Cascanette: To tell you the truth, I really can't. I've really tried. I have really, really tried to think of an explanation for this piece of legislation. I've really tried to figure out what the big fear is and I can't understand, because in the requirements for the placements and so forth, you're not supposed to be able to replace a real job. So I don't see what harm they're trying to protect from.

The Chair: That concludes your presentation. We very much appreciate you coming forward today.

Mr Carroll: No —

The Chair: Oh, I'm sorry. I apologize. We now move to the government members.

Mr Carroll: We're not going to let you off the hook quite that easily. Thanks very much for coming forward today and sharing your thoughts with us. Did I understand you to say at the beginning that you actually came through a community placement process yourself?

Ms Cascanette: Yes, under the section 25 program, as a community placement.

Mr Carroll: In that particular community placement, were you part of a trade union?

Ms Cascanette: No, the organization that I did the placement with and so forth doesn't —

Mr Carroll: Did that in any way negatively affect the benefit that you received from that placement, not being part of a trade union?

Ms Cascanette: The work I do, there isn't a trade union. No, it didn't negatively affect it, but also, the

counterprotection in the placement that I had was that there were absolutely no repercussions for leaving that placement. If, for whatever reason, I had discomfort, I could walk out and not have to argue with anybody. I was under no pressure from anybody and no threat from anywhere, so I didn't need collective support etc.

Mr Carroll: You realize, I'm sure, that there are many protections built in to the Ontario Works Act for participants who would spend 17 hours a week in a community placement. They are protected, you know, in workplace safety issues. They are protected with workmen's compensation.

Ms Cascanette: I would like it noted that part of that is because, as Group Action Against Poverty and other groups, we got together and pointed out that that wasn't originally included and wasn't originally covered. Collectively, we were able to ensure that those protections were in and the government responded. That's a benefit from being able to collectively bargain.

Mr Carroll: I'm not sure it wasn't originally in. I was part of the original hearings on that.

Ms Cascanette: No, it wasn't originally in.

Mr Carroll: Anyway, that's why we have hearings, so that we can add beneficial things to pieces of legislation. The fact of the matter is that the reality of Bill 142, and Bill 22 now, is that people who are placed in community placements, that you have said in fact benefited you personally, people who are placed in those community placements to try to gain some skills, gain some networking and hopefully move on to a better quality of life, those people have all of the protections afforded a normal worker. The thing that they don't have is the right to join a union.

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Ms Cascanette: But you've changed the rules. You're about to bring in that it goes in the private sector. The jobs that I could get wouldn't have involved carpenters, wouldn't have involved people with high skills and those types of papers. So you've changed the rules with this Ontario Works program so that people can get placed in universities, can get placed at schools to replace janitors, can get placed in all types of places.

Mr Carroll: With all due respect, we haven't changed any rules. One of the overriding principles of Ontario Works is that people will not be allowed to replace paid workers. Now, there's been some criticism of individual cases where someone said, "Yes, that worker replaced a paid worker," and on investigation it was proven that that in fact did not happen.

We don't want to replace paid workers. It's to nobody's benefit to have an Ontario Works recipient replace a paid worker. The Ontario Works recipient is being paid —

Ms Cascanette: That's our concern, that it is of benefit to people who have to pay paycheques.

Mr Carroll: You mean to the taxpayers of Ontario whom we have vowed to help by reducing their taxes, and we know that we've put 53 million bucks back in —

Ms Cascanette: But it is to the taxpayers' benefit. Look at what's happening because of getting it placed on the regreening. The taxpayer is paying a ridiculously low price to get this community regreened and it is to their benefit not to have to pay a proper living wage. There is a benefit to the taxpayer to keep these people on an assistance cheque. It's less than they'd have to be paid in a paycheque.

Mr Carroll: With all due respect, if they're paid for by the employer, the taxpayers pay nothing and the employer —

Ms Cascanette: But with workfare they're not paid by the employer, they're paid by the taxpayer.

Mr Carroll: Wait a minute. You're talking about replacing paid work. Why would we say we want to take a job that is being paid by an employer and the employee is paying income tax? Why would we want to replace that person with this person over here who is being paid by the taxpayers? Why would we want to do that?

Ms Cascanette: For example, the taxpayer pays for the employees in a school. It's more expensive to pay people who belong in a union in a school than it is to pay the assistance cheque.

Mr Carroll: But we're not replacing people who have jobs with workfare recipients. We're not doing that. This absolutely has not happened. It will not happen. It's not part of the program, so please accept the fact that that's just fearmongering by some people. You said that workfare placements in the community are a good tool. Please let us use them.

Ms Cascanette: I would really have a lot less — not for the fearmongering. Personally, here in Sudbury we had a situation where Ernie Checkeris was in the paper, thrilled that they'll be able to use workfare placements in order to do janitorial and library skills. This is not my idea. This is what he was quoted in the paper as saying.

Interjections.

Ms Cascanette: That's what I'm saying. With collective bargaining, we would be able to say no because that's replacing real jobs. Otherwise —

Mr Carroll: If you can send me some evidence of that I'd love to have it, because that is not allowed to happen.

Mr Crozier: Welcome to today's committee. I appreciate some of the observations you've made as to how unfortunate people on welfare are stereotyped. I think that needed to be pointed out.

I come from the most southerly riding in the province and I think that perhaps most of my constituents would not object to a meaningful workfare program that leads to real employment. You've pointed out that most who receive social assistance in a time of need feel that same way.

Ms Cascanette: Exactly.

Mr Crozier: But what bothers me about this — and I'm trying to get people's opinion, albeit your appearance today will not change this particular bill one iota; not one comma or period will change in it, but at least you can express your opinion — is that a basic right of individuals is being denied and that is the right to join a trade union.

I, like one of the presenters, have never belonged to a trade union, although my father did. That basic right is being denied in this legislation. If the government felt, and through public debate determined, that workfare recipients were an essential service, if their somehow exercising their right to strike or right to join a union would seriously threaten anyone else's fundamental rights, I might be able to understand. But to simply say to them, in a very complex situation, "We're not going to allow you that very basic right to join a trade union," that's the problem I have with this bill, not the attempt that we all want to have to provide meaningful work. We want no unemployment.

Would you agree with that? I think perhaps you even may have commented on that, that there's nothing about joining a trade union that would affect these folks being able to work in a workfare program.

Ms Cascanette: No, I don't see how joining a union would in any way adversely affect joining a placement. If anything, I see it making the connection stronger. With a lot of trade unions — carpentry etc — their union members are told of all the jobs that are coming up. I never belonged to a union, but my understanding of how it works is you belong to the union, you get on the list. They give you better access to the jobs that are available. As far as I understand, part of a union's function is finding jobs for its membership, so I really don't understand what harm this government thinks can happen from it. I really don't.

Mr Crozier: Thank you, because I think that for any government in its enthusiasm to deny a basic right of an individual is wrong. That's the problem I have with this particular bill and I'll have absolutely no trouble voting against it. I think many of our constituents don't understand that this basic right is being taken away. In fact, the bill has been enacted or in force since June 1, so we've had a couple of months, going on three months. I haven't yet heard where anybody is attempting to organize these workers at all, so I don't yet know what the threat is.

Ms Cascanette: That's actually another thing that kind of sticks in my craw, that this is a response to something that union members said. So potential activity of workfare participants is being curbed because of something that a

union leader said. There's not even a relationship between who was making the threats and who's getting penalized.

The Chair: Sandra?

Mrs Pupatello: Just a moment, Chair, if we still have one minute.

Thanks for coming to speak to us today. Interestingly enough, you were here for several presenters who were actually talking about the things that we've been talking about from the beginning, what people really do need to get off the system. In many cases it's education, training, retraining, assistance in going out to find the jobs that are available. All of those things, the lion's share of welfare people today are in that part of the program. After three years of Mike Harris, 3% are in the supposed workfare, which is what everybody believes is what they elected them for.

I have never seen such an enormous failure of a program at a cost of millions, between billboard ads, radio ads, you name it. If you could have taken that hard-earned taxpayers' money that they have wasted on just the advertising alone — one campaign, \$800,000. This mockery of Parliament, us being here and on a circuit, only moved — instead of the Conservative party paying more ads, they used government money to send us around Ontario.

The Chair: Thank you very much. It was actually a minute, 10 seconds.

We very much appreciate you coming forward with your presentation today. That does conclude your 25 minutes' time. Thank you very much.

Mr Kormos: Chair, what about toilet facilities on that land reclamation? If the PA is worth his salt and worth that extra 12 or 13 grand a year, he would make sure they have toilet facilities out there.

The Chair: You can speak to the PA about that.

Mr Kormos: I did. Mr Carroll, 90-grand-plus, get them a bloody toilet.

The Chair: This committee stands recessed until 10 am tomorrow morning. Just to let the members know that we have the bus waiting at the top of the stairs right out here.

The committee adjourned at 1459.

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Prevention Of Unionization Act
(Ontario Works), 1998

Comité permanent de l'administration de la justice

Loi de 1998 visant à empêcher
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
ADMINISTRATION OF JUSTICECOMITÉ PERMANENT DE
L'ADMINISTRATION DE LA JUSTICE

Wednesday 12 August 1998

Mercredi 12 août 1998

The committee met at 1014 in the Best Western Parkway Inn and Conference Centre, Cornwall.

PREVENTION OF UNIONIZATION ACT
(ONTARIO WORKS), 1998LOI DE 1998 VISANT À EMPÊCHER
LA SYNDICALISATION
(PROGRAMME ONTARIO AU TRAVAIL)

Consideration of Bill 22, An Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act, 1997 / Projet de loi 22, Loi visant à empêcher la syndicalisation en ce qui concerne la participation communautaire visée par la Loi de 1997 sur le programme Ontario au travail.

The Chair (Mr Jerry Ouellette): I will call this meeting of the standing committee on administration of justice to order to discuss Bill 22.

Mr Frank Klees (York-Mackenzie): Mr Chairman, I have a motion that I'd like to —

The Chair: Ms Papatello.

Mrs Sandra Papatello (Windsor-Sandwich): Thank you, Chair. I'd like to put forward a motion, please. My motion is to move to cancel further public hearings on Bill 22 given that we have realized since yesterday that they are a complete waste of time.

The government members have indicated they are not prepared to change one word, phrase or sentence of this one-page bill, which has already cost the taxpayers \$700,000. It is simply the result of government members sleeping through the section 73 clause last fall during the clause-by-clause passage of Bill 142. This one-page bill is receiving more in public hearings than the original Bill 142, which was over 300 pages. This bill is simply a rewrite of section 73 of Bill 142, which has been politicized to use government money instead of the PC Party money to unfairly slam labour groups in Ontario and propagandize workfare, which is the single largest failure of the Harris government. This Sleeping Beauty bill has cost Ontario taxpayers hundreds of thousands of dollars, money that should be repaid to the government by the PC Party.

The Chair: Further discussion?

Mrs Papatello: Can I debate this now? Do I have the floor?

The Chair: Yes.

Mrs Papatello: I'd like to put this motion forward because, as we realized yesterday, those of us who were in Sudbury, all of us were very concerned to see that we are spending an inordinate amount of time and money to traipse this committee around Ontario when, as was displayed yesterday with those who presented to us and the response we got from government members to those who were presenting, we found the presenters subjected to being patronized, practically ridiculed. There was no respect shown to those who were presenting. They obviously had a different point of view from the government members. We see this as fairly offensive to those who take the time to come and volunteer before the committee to give their opinions.

In those responses given by government members, it's obvious that they see this as just one more way to take government money instead of Progressive Conservative Party money to propagandize workfare as a program that actually works, when in fact 97% of welfare recipients are not in supposed workfare. Unfortunately the public is being led to believe that workfare is working when in fact it is not. The lion's share of the program is carrying on in the ways that it always has.

We saw evidence yesterday from the parliamentary assistant who was there to again use the committee to go traipsing around for potential photo ops in different communities. We are opposed to that. We're opposed to using these people as some kind of publicity stunt for the PC Party. If they choose to do so, they are completely entitled to do that, but they ought to use the funds of the PC Party. From the reports we're seeing, you don't have a money problem in your party so you ought to spend your money propagandizing on your own.

But when we get to committee and we see that you're spending the Ontario government's money just to propagandize, slam labour, give the impression to the public that labour groups all of a sudden are the cause of the failure of workfare, instead of taking responsibility for a failed program due to policies that cannot be written on the back of a napkin, such as workfare was written, that in fact is the cause of the failure of workfare.

To that end, I hope the government members, who purport to be those who want to save taxpayers' money, stop the charade before it continues. We have two more cities, supposedly, to travel to, and back to Toronto for clause-by-clause. You've spent an inordinate amount of money already. We had 19 people come from Queen's

Park via airlines to Sudbury yesterday, on to Ottawa, back to Cornwall, to spend part of the day today.

I don't want to see the people here being patronized. We're prepared certainly to listen to those who truly want to present to us, not to be subjected to what they were subjected to yesterday. So I would ask for those government members especially to be very supportive of this motion and, frankly, to look within their own party for money to spend on propaganda.

The Chair: Further debate?

1020

Mr Peter Kormos (Welland-Thorold): I'm going to be speaking in support of the motion. If the Chair wants to solicit a contra view prior to that, obviously that's the Chair's prerogative.

Interjection.

Mr Kormos: Thank you.

I've got a whole bunch of considerations here. Let's take a look at how meaningful this process is when Bill 22 — which is, as Ms Papatello has characterized it effectively, a cleanup bill. It's because the government members screwed up big time during the course of committee hearings and what was supposed to be section 73 was not passed but rather was defeated.

But in fact Bill 22 goes far beyond that. Bill 22, a one-pager, very clearly says that people who are workfare participants in so-called community placement are not entitled, notwithstanding what the Charter of Rights and Freedoms says and notwithstanding what precedent has been in free and democratic societies for hopefully at least decades, to freedom of association. They are not entitled to join a union, which also means an association.

You know full well, Chair, the bugaboo about Ms Ecker when she appeared before the committee to introduce this bill and talked about the intimidating labour leaders. She may feel intimidated by them. Quite frankly, when push comes to shove, I'd rather stand shoulder to shoulder with the Sid Ryans, the Earl Manners, the Buzz Hargroves or the Leah Casselmans of this province than I would with the Janet Eckers of this province or, quite frankly, any of her parliamentary assistants.

But please note that this bill not only means that a workfare participant can't join, let's say, the Canadian Union of Public Employees or OPSEU, but that they also couldn't even form an organization like the association of workfare participants. That is the most crass, vulgar, blatant and violent attack on a deeply rooted democratic right, the right of freedom of association.

The bill goes on in the same section to say nor can they collectively bargain, nor can they strike. Interesting point raised yesterday in Sudbury: "What's the problem, guys? If we as workfare community participants are not going to be taking over any other workers' jobs" — which is what I believe workfare is all about. That's been the American experience and this is modelled on the American experience, tens of thousands of New York City municipal workers displaced, their jobs eliminated, replaced by so-called workfare non-voluntary participants, compulsory participants.

But the wonderful point was made yesterday, "If we're not taking any real job away from a worker, what do you care?" Because too, every worker who goes on strike knows that they don't get paid. They understand that. Workfare participants, were they to collectively bargain and determine strike action, know that they wouldn't be collecting the entitlement which workfare supposedly entitles them to.

So what's the government's beef? I can't figure it out. The point was made so critically and acutely yesterday in Sudbury by the last presenter. We're being bamboozled here. There's no two ways about it.

Look, the PAs are playing tag team. Who's going to carry the message forward? Mr Carroll was in Sudbury yesterday, Mr Klees is here today. Mr Klees may well respond by assuring us that he'll read the transcript of yesterday's proceedings, but you and I both know that Mr Klees is incapable of obtaining a copy of that transcript because Hansard is so short-handed that it takes them longer and longer to get around to — you thought I was going to say something else, didn't you, Chair? I set you up a little bit. I saw the body language. You figured there was going to be a personality attack against Mr Klees's intellect, that I was going to accuse him of being stupid or illiterate, and I didn't. I said Mr Klees is incapable of obtaining a copy of the Hansard of yesterday's proceedings because of the backlog that Hansard has and the short staffing and the incredible pressures that your government has put them under.

One wonders if this is a show trial that makes —

Mrs Papatello: Government funded.

Mr Kormos: It's a show trial. I mean this is Stalinesque in its show trial quality. Well, it is. It's putting on a show to the public: "We're having committee hearings." Oh, give me a break.

Mr Parker titters. Mr Parker wasn't there yesterday either.

Mr John L. Parker (York East): Mr Kormos, who's putting on the show?

Mr Kormos: How can you have effective input from committee members as a result of hearing participants by way of witnesses, when they keep switching around? Ms Papatello has been here from day one. I've been here from day one.

Mr Klees: What about Mr Cleary?

Mr Kormos: Mr Cleary is here visiting, as he's entitled to, as Ms Martel did. We're in his riding. But the government members are tag-teaming. There's no consistency here. So we are very suspicious about any real serious intent on their part to listen to what's been put to them.

I'm from Welland down in the Niagara region and I'm pleased to be here in eastern Ontario. But let me tell you the state of things with your government and its members. I've got a copy of the front page of the Welland Tribune. The mayor of Port Colborne —

The Chair: We would wish you to speak to the motion.

Mr Kormos: Quite right. The mayor of Port Colborne, Vance Badawey, wants to give your colleague Bart

Maves, the Tory member for Niagara Falls, a spanking. That's what things have deteriorated to. "Bart Maves should be taken out and given a spanking," says Vance Badawey, the mayor of Port Colborne.

The Chair: How does that relate to Bill 22?

Mr Kormos: Vance Badawey, the mayor of Port Colborne, says that Bart Maves, your colleague the parliamentary assistant for the Ministry of Labour, pulled a political stunt on the heads of constituents in the region.

The Chair: I don't believe this relates to Bill 22 or the motion at all.

Mr Kormos: This government is pulling a political stunt on all of the well-meaning participants in these hearings, people who come here and try to speak logically and analytically about how silly Bill 22 is, how undemocratic it is and how there must be some sort of ulterior motive.

Bill 22 is getting more hearing time than Bill 142 did, the Ontario Works bill and its companion piece. How many pages long was that?

Mrs Pupatello: Over 300.

Mr Kormos: That was over 300 pages long. That was a complete turning on its head of the welfare system. Bill 142 received less public hearing time than Bill 22 is receiving.

Bill 22 has been used to attack democratically elected labour leaders in the province and to attack the trade union and labour movement. It's been used to attack the poorest people in our communities, inevitably because of the nature of who's poor, the elderly and women, and Bill 22 also is being used because you know that the only reason this committee — this is the justice committee. This isn't the committee that considered Bill 142, the workfare bill. This isn't the committee that should be considering Bill 22. This is the justice committee.

The only reason Bill 22 is before this committee was because we had brought a notice to require the committee to consider and investigate the involvement of Premier Mike Harris, his office and others into the assassination of Dudley George at Ipperwash park over two years ago now. The only reason this committee was given Bill 22 and the only reason it was given so many hearing days — not by agreement of House leaders but by a closure motion brought in the Parliament to shut down debate on Bill 22 and to preclude this committee from utilizing its power under the standing orders to investigate Premier Mike Harris's involvement and his office's involvement in the assassination of Dudley George at Ipperwash. That's why the bill is here: because it knocks out our as-of-right hearing because it finally put some business or a government agenda before the committee. That's the only reason this bill is here.

The bill, at the very least the right to free association, the right to join a union, is going to be struck down by the courts. I'm confident of it. And tell me about your government's track record in the courts. You haven't done too well so far, have you, Chair?

1030

The Chair: It's not my job to report on the actions of the courts.

Mr Kormos: You haven't done too well so far. You have acquired a litany, a history, of brutal defeats in our courts, and you persist in spending taxpayers' dollars in defending the government's undemocratic action time after time after time, be it Bill 160, be it the pay equity issue, Bill 26 etc. It's a scam.

Once again, the Welland Tribune this morning — I'm grateful to my staff for faxing it up to me, and I know you appreciate as well that I can refer to local events while I'm out of town. But the regional municipality of Niagara notes that when the province downloaded child care on to the region, they didn't include the administrative costs in the funding formula, so Niagara region was looking at new taxes of at least \$200,000 to cover the administrative costs of the downloaded child care — another mere oversight.

I'm supporting Mrs Pupatello's motion. I think it's illustrative of the fact that we're prepared to listen to people, and we have.

Yesterday the parliamentary assistant brought a silly motion to visit workfare sites, and he finally withdrew it, not even putting it to a vote. When Mrs Pupatello refers to the desire for photo ops, we invited him then — because we heard later during the day that in the one workfare activity in Sudbury, the reforestation one which displaced real workers with real jobs, one of the complaints they have been making is they don't even have toilet facilities, washroom facilities. Do you understand what that's like, to not be able to use a toilet to relieve yourself during the course of an eight-hour day? That was raised in front of the parliamentary assistant yesterday. He was invited to make a commitment. The opposition members of the committee invited him to make a commitment to ensure that was rectified. That would have demonstrated some sort of response to what he heard during committee. He refused, declined, failed, neglected to make that commitment, as much as brushed it away.

I'm supporting Mrs Pupatello's motion for all of the reasons I have stated and for a whole lot more that I don't have time to state because your government imposed gag orders on debate in committee as well as in the Legislature.

Mr R. Gary Stewart (Peterborough): I wasn't going to make a comment on this, but I feel obligated to do so with the comments I have heard from the last two speakers of what went on in Sudbury yesterday. I take great exception to words like the presenters were being "ridiculed." They were not being ridiculed. They were not being intimidated. They were being listened to.

Mr Kormos: You heckled them.

Mr Stewart: When somebody comes up and grandstands in front of people who are here today, legitimately coming to make comments, and makes comments that they were ridiculed it's absolutely ridiculous.

Certainly people who come today, as well as in future hearings — I take great pride in these hearings, and I probably have served more on committees over the last three years than anybody has, because I like to get out and

hear the people. For some people who don't show in certain areas and who don't listen to certain people —

Mr Kormos: You're silly, Mr Stewart.

Mr Stewart: Please don't laugh, because if you want to compare attendance, Mr Kormos, we'll compare.

I guess what concerns me is the type of comments that were made in front of people who I believe have come here very legitimately to make presentations. There were some comments regarding the project in Sudbury. The project in Sudbury did not replace real workers in any way whatsoever. What we were trying to suggest to many of the people, and I would suggest to many of the people in this room, is to go out and talk to some of these people who are on workfare. If you would like to come to my riding, I will take you and let you talk to people who are very supportive, who finally are being helped to maybe get off the system. I think they have a great deal of pride.

Mr Kormos: Talk to the expectant mothers who have had their pregnancy allowance taken away.

Mr Stewart: I'm going to wait with bated breath, and I say that very honestly, for the report from Hansard yesterday, for a couple of comments that were made by Mrs Pupatello regarding names that she suggested people on workfare wear. I asked to find out if Hansard was done today; it was not. I'm looking forward to that, because if there was anybody who was being ridiculed, it was done by the other people. So again, I take great exception.

Instead of trying to embarrass these people and intimidate those who genuinely want to get on this workfare program, We should be complimenting them and working with them to hopefully assist them in any way possible to get off the system, because they want to be. They've got some pride. But when we embarrass these people, whether it be those who are from special interest groups or indeed people who are totally against this program, I take very great exception to that, and that is exactly what has happened. It's a good program; it's a program that will develop if we finally all work together on it. Under no circumstances do I accept what was said this morning, and under no circumstances would I support this amendment.

Mr Kormos: Motion.

Mr Stewart: Whatever it is.

Mr E.J. Douglas Rollins (Quinte): Mr Chair, to hurry this along — we've got presenters here — can we call the question on this now?

The Chair: There are no others on the list. I will call the question.

Mr Kormos: Recorded vote.

Ayes

Cleary, Kormos, Pupatello.

Nays

Boushy, Klees, Parker, Rollins, Stewart.

The Chair: I declare the motion defeated.
Mr Klees, you're next on the list.

Mr Klees: I'm sorry I missed the proceedings yesterday. Had I been here, I certainly would have enjoyed participating in the discussion.

On the motion put forward by my colleague Mr Carroll, the fact that I wasn't there — I'm not privy to all of the discussion, as Mr Kormos said. I don't have access to Hansard to have seen for myself, but I can tell you that particularly in light of Ms Pupatello's comments this morning, as well as Mr Kormos's comments, I am bound to bring a motion before this committee, because it's clear to me that neither Ms Pupatello nor Mr Kormos understands the Ontario Works program. I believe it would benefit them greatly if they had the opportunity to observe at first hand what takes place on an Ontario Works project, what Ontario Works participants in community placement do, what the benefits are to them, and to hear from them personally how it is benefiting them.

I move the following motion:

That the committee take the opportunity to visit Ontario Works sites in the cities where hearings are conducted for the purpose of observing first hand how the program is being implemented and to hear first hand from participants in the program; that these visits be coordinated, wherever possible, with lunch hours or time slots not scheduled for deputations; and that these visits be coordinated so as to minimize costs.

1040

Mr Kormos: I am opposed to that motion, and I'm going to tell you why, succinctly, in view of the fact that, again, the rules have been changed. Your government doesn't want opposition members speaking in the House, doesn't want opposition members speaking in committee. Your government rammed through the rule changes just like it's going to ram through Bill 22.

Mr Klees's motion is virtually identical to that of Mr Carroll yesterday. The issue, you see, is not whether or not retraining, adult education, adequate child support, counselling and assistance are effective in helping people get out of poverty and into a position of economic equity. It's whether or not the real jobs are there, whether or not there are real and meaningful, permanent, career-style jobs available to people to pursue.

The fact is that down in Niagara region — Mr Cleary may be able to help us in terms of unemployment levels here in eastern Ontario, but down in Niagara region we're struggling with in the area of 10% unemployment. Mr Cleary indicates that that's about it here as well. Yesterday we heard in Sudbury that the north endures at least 10% unemployment, and when we talk 10%, we know that among young people it's probably double that.

The fact is that there aren't the jobs there. We've heard a lot of, quite frankly, poppycock about the nature of the system, as the Tories have attacked the social assistance system here in the province. The fact is that adult education is non-existent in increasing numbers of communities because of the defunding by this government. Yes, adult education was one of the ways for people to get back into the workforce when they, for whatever reason, and again particularly — take note, Chair. Who were the primary

participants in adult education? Once again, women. It was as likely as not women who were required to terminate their education without achieving a GED, never mind anything beyond that, because of the responsibilities of child rearing, child care, among other things.

Heck, Mr Klees, why don't we go talk to the 80 workers down at Fleet manufacturing in Fort Erie who are going to lose their jobs permanently? Why don't we go talk to the 307 GM workers in Oshawa who are going to lose their jobs permanently? Why don't we talk to the people who used to work at Mott's that made the clamato juice? Quite frankly, we shouldn't be drinking Mott's any more, and we don't, but President's Choice clamato juice. We're boycotting Mott's because Mott's pulled out of Mike Harris's Ontario, leaving those workers in St Catharines stranded and dry. Why don't we go talk to the hundreds of GM workers in St Catharines who now find themselves laid off with no likelihood of return to work, with seniority of 12 and 13 and up to 14 years' employment? Why don't we go talk to the women who had their modest allowance of \$30-plus a month during pregnancy so that they could supplement their nutritional intake denied to them by this government?

Why don't you come with me to soup kitchens and food banks across this province and talk to the folks who are forced to utilize those, not willingly, not because they want to, not because they think they deserve it, but because, by God, the prospect of a kid going to bed hungry is just too intolerable for that parent or those parents?

Why don't we go talk to the people who one moment thought that they were going to do well and that their careers were going to carry on, careers in, let's say — why don't we talk to some of those community college graduates from the social services programs or the teaching assistant programs or the child ed programs who now find their positions terminated because of this government's cutbacks in educational funding and who thought they were doing all the right things, who went to community college, often as not part-time instead of full-time, and struggling, maybe taking care of kids, who figured that, by God, they were doing the right thing. Yet those are the people who find themselves on welfare, on social assistance.

Why don't we go talk to the mothers on social assistance who are now being scammed out of their child tax credit provided by the federal government because it's being deducted from their social assistance, and talk to them about how this government has created a culture of the deserving poor versus the so-called undeserving poor?

There was a time when a social services department had enough case workers who had enough resources available to them in the community that they could work on a one-to-one basis with recipients of social assistance, where they could help steer those people and assist them with getting child care so that they could go to adult education classes and upgrade themselves, so that they could assist them in steering them to other resources in the community, any number of which could be related to job availability.

Why don't you want to talk about an economy and governments that are committed to maintaining high levels of unemployment? You know it. You know full well what happened in the fall of last year when unemployment stood a chance of dropping below 9%, I think it was, in this country. The Bank of Canada immediately raised interest rates. God forbid that unemployment should drop below 9%. It's a very specific policy of maintaining high levels of unemployment. Why don't we talk about that policy, a policy of maintaining high employment but a policy of driving wages down? You and your government have committed yourselves to effectively reducing the minimum wage.

The Chair: And this comes back to the motion?

Mr Kormos: You bet your boots.

Interjection.

Mr Kormos: Mr Klees wants to talk about people whom we should be visiting and talking to. I'm making a list here of alternatives, because I've talked to poor people, and not just poor who are unemployed but increasing numbers of people who are working, because your government has a perspective on jobs that's one of McJobs or jobettes, of lower and lower wage jobs, of telling people: "This is as good as it gets. Be happy, be grateful, be thankful." You see, that's what maintaining high levels of unemployment is all about, so that people will be competing more and more for lower and lower wage jobs. That's what it's all about.

Why don't we talk about the fact that two of your colleagues in the course of this government have brought in, in one instance, a private member's bill and, in the other instance, a resolution, both of them seeking to abolish the Rand formula. Because you know that the courts of this country will never tolerate legislation that would forbid membership in a union or an association. You also know, or you ought to, that the abolition of the Rand formula will effectively do, going in the back door, what the courts will preclude you from doing by going in the front door.

Nobody's doubting for a minute the fact that meaningful — and quite frankly all of us have always supported participation in job training on a voluntary basis. We've always supported that. There's never been anything but total support for voluntary participation in any number of types of work placements. There's never been anything but total support for that.

1050

You know that the purpose of Bill 22 is because workfare hasn't been working in its present state. You haven't had enough so-called hosts. You fudged the numbers. You won't talk about how many people are actually doing the so-called community participation because everybody who's on Ontario Works is a workfare participant. They are either required to do job searches or seek educational upgrading, which isn't available to them. If it is available to them, the child care isn't available to them. If both are available to them, the allowances that you've reduced them to make it financially impossible to do it.

Your talk about Ontario still being higher than the average of all of Canada is fine, that type of rhetoric. Let's go talk, to see what it means to live on those sorts of incomes, to a family with children. I don't care whether it's in Toronto or whether it's here in the Cornwall area. Quite frankly, there may be lower housing costs, as there are in Niagara, compared to Toronto, but then there are higher costs when it comes to things like transportation because small-town Ontario doesn't have well-developed public transit systems. It's six of one, half a dozen of the other.

I'm no more enthusiastic about your motion than I was about Mr Carroll's. I've seen and talked to people who have been involved and I know there are critics of so-called workfare and there were those who — whether they're actors or real people, we don't know, but you featured them in your ads. Remember those ads that were revealed when we were in leaky London? Leaky London. We were down in the basement of that leaky hotel because the water pipes burst. It was the sewage pipe, which is most appropriate, in view of the crap that was being put forward by the parliamentary assistant for Ms Ecker. It was very symbolic.

But the \$800,000 ad campaign showing smiling workfare participants, and whether they were actors and actresses or not, I don't know. I do know that Stalin used to distribute photos of happy little collective farm workers. You're not old enough to remember that stuff but I certainly do, the stuff the Soviets used to publish, the happy little kerchiefed collective farm workers. That's what your ads reminded me of. "Smile, be happy." Whether they were actors and actresses or real participants, who knows?

I have no doubt, we all agree, that training programs have validity and a role. But you don't want to and you never have from day one wanted to discuss the most fundamental issue, and that is that there are no jobs. You and your government can talk about creating 100,000 or 200,000 or 300,000, but the fact is that unemployment in this province has barely budged in the three years that Mike Harris has taken power and that the new jobs have tended to be part time and temporary — that's what StatsCan tells us — and the jobs that are lost were the career jobs and the ones with decent incomes.

Let's talk to Dudley George's family, because that's the real reason why we're having this many days of hearings on Bill 22. Let's go to Ipperwash, where this committee should have been, had it not been for the phoniness of the closure motion which displaced our bid to have the Premier's role and the office of the Premier's role in the killing, the murder, the assassination of Dudley George investigated. Let's go to Ipperwash. That's where we should be. You want to visit a site? Let's visit Ipperwash. Let's talk to some of the aboriginal people, some of the native Canadians who were in Ipperwash park, their land, which the federal government has finally acknowledged but the province still wants to hold its cards close to its chest.

I'm not going to support your motion, Mr Klees, with no apologies to you.

The Chair: Thank you, Mr Kormos. Mrs Papatello.

Mrs Papatello: I think he was ahead of me.

The Chair: No, he wasn't, but I could put Mr Cleary ahead of you, should you like. Mr Cleary.

Mr John C. Cleary (Cornwall): First of all, I would like to welcome each of you to Cornwall. It's my understanding that your photo op for noon is already set up, the information I have, on visiting some of the sites or people who are participating.

I just have one thing I would like to say. I would have liked to see some of the government members here earlier in the week when the restructuring commission was in Cornwall, especially when the Premier said in the 1995 election campaign that it was not his plan to close any hospitals.

There's a lot to talk about in this community in health care and education and municipal restructuring. I just wonder how workfare will play there, and all this issue that goes with it. There's lots to talk about in the community, what's happened here this week. I get kind of upset at promises that were made and promises that weren't kept. I'll stop there.

Mrs Papatello: I would like to refer to the Standard-Freeholder, today's newspaper, for Cornwall. It gives in detail some of the public response to the hospital restructuring decision. That is a very valid topic for MPPs from the government side, who of course were part and parcel of the creation of the hospital closing commission to begin with. That is the kind of site visit that the Cornwall people would like to see you do at your lunch hour.

To have the parliamentary assistant come here this morning to advance a motion, as though you need one, to go and do whatever it is you want to do at lunch time, when it's already on the front page of the local newspaper that you're anticipating going to this site — the thing is already organized. As my colleague, John Cleary, states very clearly, this point is moot. It had already been organized. You already knew you were going to do it. We had this discussion yesterday about how we feel about you spending government taxpayers' money to propagandize so that you can go out into communities and lay your hand on the heads of the poor for the benefit of the PC Party. Get your own damn party to pay for that crap. Ontarians shouldn't be paying for that kind of propaganda.

Second of all, as my motion was defeated earlier, we have said time and time again that we are opposed to this blatant expense of over \$700,000 for your own tactical errors, tactical in that you chose to sleep through the most critical clause of Bill 142, from your perspective. You desperately needed section 73 to pass. One was doing correspondence, another was reading the newspaper, a third was out of the room and a fourth, from London, was asleep.

That is not our problem. That is your responsibility. You have the majority on a committee here. You could have passed any clause you wanted and you failed to do. Because of your error, you choose now to spend over \$700,000, traipse 19 people from Queen's Park around Ontario, and now during the lunch hour you want to take

the justice committee — which is what this is. As Mr Kormos pointed out, this bill was sent to justice, when it's a social bill, because you're trying to do yet another cover-up. Ipperwash is indeed the appropriate site to visit if you're going to visit, because that's what justice was supposed to deal with. You've used this bill just to block the advance of the discussion of the Premier's role in the killing at Ipperwash, so let's say it the way it is.

We have a government member this morning suggest that we want to come forward and grandstand. What on earth do you call a motion put forward today go on a visit that has already been organized by the parliamentary assistant, who has done site visits with the minister, traipsing around Ontario without the justice committee? It is totally inappropriate to bring the justice committee out to a workplace site.

As I say, for those of the government members who want to lay their hands on the heads of the poor, please, go and do it on your own time. I might also suggest that all of you are in the wrong business.

The Chair: Seeing no further discussion — *Interjection.*

The Chair: Mr Kormos.

Mr Kormos: How much time do I have left, by the way?

The Chair: You have six minutes.

Mr Kormos: I simply want to reinforce the observation that this isn't Bill 142 that's before the committee. It's Bill 22. It's about the right of workfare participants, community placement participants, to belong to a trade union or an association — the two words are interchangeable in terms of the language of the bill — and/or to collectively bargain, and/or to strike, to refuse to do their placement, to withhold their labour in an effort to have a grievance addressed if they feel aggrieved.

Yesterday we heard from the Tory candidate in the by-election in the riding of Nickel Belt and his comments, well-prepared, echoed the government's line on workfare and Ontario Works welfare in general. I suppose that's fine. Who can fault him? Good for him.

1100

We had another fellow come forward who indicated that he was a little upset because he was supposed to have received materials before he made his submission. You would have enjoyed this, Mr Cleary. He was supposed to have received materials, but he didn't want to say who he was supposed to have received materials from. I think the Tory caucus staff screwed up. Clearly he was supposed to have received briefing notes from the Tory caucus staff so that he could make a submission supporting Bill 22. But he did quite fine.

Mr Rollins: He did a good job without them.

Mr Kormos: He did quite fine. Now, mind you, he wasn't pleased about not having received his briefing materials. Don't set people up like that. Don't send them about into the trenches without bullets, for Pete's sake, Mr Klees. He'll end up — I'm sure he's Reform federally. I was going to say he'll end up with the Reform Party, but I'm sure — well, some of your own caucus members are Reform members federally. I suppose, if your bylaws

allow that, it's fair enough to belong to two or more political parties.

But the issue here is Bill 22 and the right to unionize, the right to bargain collectively, the right to withhold work. So what is your promotion? Once again, nobody disputes that work training and on-site training can be valuable and profitable. We've always disputed that involuntary placements lack value, we've always disputed that painting park benches lacks value and we've always disputed that workfare should never displace real jobs.

Yet as often as not, workfare — where's that newspaper clipping, Ms Papatello, that front page of the local paper? God bless John Cleary for bringing the Standard-Freeholder here this morning, because here it is. Your people did a good job on it. They issued a little local press release.

"The parliamentary assistant to the Minister of Social Services is in Cornwall today. Frank Klees, MPP for York-Mackenzie, will be in Cornwall with the standing committee." I don't think your colleague Mr Carroll did as well with the Sudbury Star. He's going to be ticked off.

Mrs Papatello: He's gunning for leader. You guys had better be watching this.

Mr Rollins: You mean Frank? We know that.

Mr Kormos: "The committee is holding hearings to receive input" — listen to this — "on an act to prevent unionization." Fair enough. "Klees will also meet with the community selection committee over lunch to hear about successful community placement opportunities in Cornwall under Ontario Works." Fine.

Mrs Papatello: Go.

Mr Kormos: Yes, go. Eat lunch. I don't want to break bread with you. Do you understand? I'm more careful about the friends I pick. But go, have lunch with these people. We're not talking about workfare any more. We're talking about — look, those of us who were opposed to mandatory workfare, we lost. We understand that. The bill was passed.

Now we're talking about the right of these people to freedom of association, which is only denied by fascists and totalitarian governments. Only a fascist would deny somebody the right to free association and only in fascist or totalitarian countries is freedom of association denied people. Try visiting some of those and look at the similarities.

The Chair: Thank you, Mr Kormos. Seeing no further discussion, we will call for the vote.

Mr Kormos: A recorded vote, please.

Ayes

Boushy, Klees, Parker, Rollins, Stewart.

Nays

Cleary, Kormos, Papatello.

The Chair: I declare the motion passed.

KINGSTON ACTION NETWORK KINGSTON AND DISTRICT LABOUR COUNCIL

The Chair: At this time I would like to call on our first witness, the member or members from the Kingston Action Network and Kingston and District Labour Council. If you could come forward and identify yourselves for Hansard, we would appreciate it. Just so you know, there is a total time allocated of 25 minutes. At the conclusion of your presentation, any time remaining is divided equally between the three caucuses. You may begin, please.

Ms Natalie Mehra: My name is Natalie Mehra. I am a member of the Kingston Action Network and I am presenting this submission on behalf of the Kingston and District Labour Council.

I'd like to take this opportunity to introduce John McEwen. He is the president of the Cornwall and District Labour Council and he is on the executive of the Eastern Ontario Training Board.

The Kingston Action Network is a social justice coalition that includes social service agencies, political action groups, interfaith groups, advocacy organizations, community activists, social assistance recipients and academics, among others.

The Kingston and District Labour Council represents over 9,000 working people in the greater Kingston area. Central to our work is a commitment to social justice and equity in public policy.

In her introduction to Bill 22, the Prevention of Unionization Act (Ontario Works), 1998, Minister Janet Ecker stated: "This government will not stand by and allow some labour leaders to stop...valuable and productive reforms to our welfare system." Her government's removal of the rights for workfare workers to join a union, to bargain collectively and to strike are ostensibly based on this assessment.

We take issue with the minister's statements. Flaws in the design of Ontario Works have been the main barriers to the implementation of workfare to date, and the welfare reforms instituted by this government have been neither valuable nor productive. Moreover, the Prevention of Unionization Act stands in opposition to our principles of social justice and equity by violating fundamental rights of freedom of association, of life, liberty and security of person, and of equality.

In the context set up by Bill 142, including the Ontario Works Act and the Ontario Disability Support Program Act, and in the context of dramatic cuts to supports and advocacy for workers and marginalized people, and given historical and contemporary evidence of mistreatment of people in the workplace, we hold that third party advocacy for workfare placements by the labour movement and others, including organizing, collective action and the right to withdraw labour, is a necessity.

Refusal to allow such intervention will increase the likelihood of abuse and injury for placements. Sadly, even if Bill 22 is not passed, we predict that there will be

abuses of community placements under the Ontario Works system, as has been experienced in other jurisdictions, due to its very design.

These are the issues I'll address today. First, barriers to the implementation of workfare.

As noted earlier, Minister Janet Ecker has attributed the government's lack of success in implementing its workfare system to the actions of labour leaders. Although we do not consider the prevention of workfare's implementation to be negative, the minister's comments do not address contentious issues in the design of Ontario Works that have led to the non-profit sector's reluctance to take part.

In Kingston, as of June 1998, no community agencies had volunteered to take placements. In fact, in Kingston, as has been the case across Ontario, many non-profit agencies have gone on public record with their opposition to the program. Their concerns have been echoed by other community groups, faith leaders and members of organized labour.

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Contentious issues raised by agencies in the non-profit sector include (1) the coercive nature of Ontario Works; (2) the punitive nature of Ontario Works; (3) potential negative impact of Ontario Works on agency clients; (4) the negative impacts of Ontario Works on agency-client relationships, agency-volunteer relationships and staff-board relationships; (5) Ontario Works' contravention of the accepted principles of volunteering; (6) Ontario Works' potential impact on agency volunteer programs; (7) concerns about staff employment protections; (8) administrative and reporting requirements, among others.

We believe the government's recent expansion of Ontario Works to the private sector is further evidence of their inability to find placements in the non-profit sector. We are deeply concerned that no new initiatives to assist people on welfare with finding meaningful work placements are being undertaken while the government is pursuing the implementation of the troublesome and flawed program of Ontario Works.

Reforms to Ontario's welfare system: In her statements, Janet Ecker refers to valuable and productive reforms to Ontario's welfare system. Since 1995 these reforms have included a 21.6% cut to social assistance; spouse in the house legislation; introduction of the fraud hotline; a cut to the food supplement program for pregnant women on social assistance; the introduction of Ontario Works and the Ontario Disability Support Program Act.

The effects of these changes have been well documented by non-governmental organizations. The 21.6% cut to social assistance has deepened the hardship of the poorest in our community. Hot meal programs have proliferated, organized by concerned citizens to meet an ever-increasing need for food, especially at the end of the month when welfare cheques run out. Spouse in the house legislation has been widely criticized and is now under challenge in the court system. As of March 1997, the fraud hotline initiative had yielded just nine convictions

out of 18,655 calls, and concerns about vindictive calling have not been addressed.

A 1998 report by the Social Planning Council of Kingston and District entitled *The Quality of Life in Kingston and Area* found an increase of 138% in the number of people on the waiting list for social housing over six years, a 50% increase in the number of suicides and a 50% increase in the incidence of low-birth-weight babies in Kingston over seven years. Cuts to social assistance, cancellation of new non-profit housing, cuts to food supplements and stressful coercive initiatives will inevitably exacerbate the serious situation evidenced by these statistics.

Ontario Works has not been implemented in Kingston, but overwhelming amounts of evidence from other jurisdictions show that workfare does not create jobs, is expensive, deepens hardship and increases the number of people living below the poverty line. For these reasons, we conclude that the government's welfare reforms are neither valuable nor productive.

Bill 22 and human rights: Bill 22 stands in clear violation of fundamental rights set out in Canada's Charter of Rights and Freedoms, in the Universal Declaration of Human Rights, in covenants of the United Nations, in the constitution of the International Labour Organization and in principles affirmed by the Organization for Economic Co-operation and Development. I know you've heard about these issues before, so I won't go into them at great length. However, I will go over them briefly.

Bill 22 violates the principle of equity by targeting one identifiable group for removal of rights. It denies freedom of association and the freedom to organize and bargain collectively. Repeal of these rights is tantamount to disenfranchisement for an entire class of workers and flies in the face of accepted standards of democracy. We will support challenges to this legislation based on its violation of these fundamental rights.

Organizing, collective action and the right to withdraw labour: Ontario Works, by its design, puts community placements in an extremely vulnerable position. Under it, social assistance recipients are expected to sign participation agreements, employers are expected to report on placements, and those who refuse or are unable to meet the terms of their placements face losing the only money they have for food, shelter and basic necessities. The design of Ontario Works does not include proactive and rigorous health, safety or security protections for placements. In fact the government has actively attempted to avoid health, safety and injury compensation for placements and has allowed enforcement officers new freedoms for search and collection of information on participants without the requirement of a search warrant.

Recent examples of the kinds of abuse we fear are not hard to find. Despite health and safety regulations, every year hundreds of Ontario workers are killed on the job and many more are injured. A recent study, widely cited in Canadian newspapers, released by the International Labour Organization revealed a substantial incidence of

sexual harassment and harassment in Canadian workplaces.

Welfare News by the Center on Social Policy and Law, New York, February 1997, contained the following report regarding New York's workfare system:

"Legal services officers and advocacy and community groups have found many people suffering greatly. Participants are exposed to industrial, biological and medical wastes including asbestos, animal carcasses, human feces, and discarded syringes without protective gear. Students in high school or other approved education programs who were willing to carry both school and workfare are told that their workfare hours were in conflict with school; many drop out of school and others lose all welfare benefits. Participants are denied access to toilet facilities, and are made to work in bitter cold weather without warm clothing."

At the same time, support and advocacy organizations for workers and marginalized people have been dramatically cut. Since 1995 we have seen the gutting of Ontario's Advocacy Commission, cuts to legal aid funding, drastic reductions in funding for community-based organizations through a variety of cuts and municipal downloading, cuts to programs for abused women, cuts to workers' health and safety centres, and cuts to government ministries that deal with complaints. The system of organizations to which workfare placements would have turned in the past has been seriously denigrated.

In this context, the rights to organize, to bargain collectively and to withdraw labour are in more need of promotion than ever. People on workfare will be placed in extremely vulnerable positions. Options for support and advocacy are diminishing. Abuse and mistreatment are inevitable. Organization, collective bargaining and withdrawal of labour are tools that should be available to workfare participants for protection from abuse or injury.

In summary, if the government meets its targets for work-for-welfare placements under the Ontario Works Act, many social assistance recipients will find themselves in extremely vulnerable positions. Bill 22 serves to limit these peoples' options for security and safety. The rights violated by Bill 22 are fundamental and should not be attacked, on principle. Moreover, in the current context, the rights that are attacked in Bill 22 are the very rights that workfare placements will find necessary to help prevent abuse and injury. For these reasons, we urge that this act be repealed.

John McEwen would like to speak.

Mr John McEwen: My colleague has observed that Bill 22 violates the basic principles of equality under the law and exposes individuals to various hazards, injury, harassment, exploitation.

I'd like to put things in a local focus, if I may. In the five counties that make up Stormont, Dundas, Glengarry, Prescott and Russell, the employment ratio, the ratio of people of working age who are employed to that entire cohort, is less than 60%. The average ratio in Ontario is closer to 75%. That means that approximately 40% of the people in this area exist on either pensions or some other

transfer payment from either a corporation or one level of government or the other. So there would be an obvious interest here in ensuring or setting up a system whereby people could move away from dependency on transfers from the government to some form of gainful employment. However, I think, as has been said by others, Bill 22 misses the boat entirely. From my experience and my studies, I have to concur with Mr Kormos that the problem is not so much preparation for a specific job as it is the availability of jobs.

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That said, the international adult literacy study identified the three counties, Stormont, Dundas and Glengarry, as having lower levels of adult literacy in the mid-employment years — that is, 30 to 40 to 50 years of age — than was true in the rest of Ontario. That has to be a concern, because if we are going to engage in economic development, we probably have to recognize that today knowledge is the new wealth, and good jobs likely will involve some ability to gather information, manipulate information and use information. Quite clearly, a large part of the population of this area is shut out from that process because of low levels of literacy and other things.

Let us look at what has happened to our ability to meet those needs. Our local alternative education system, which produced large numbers of successes among the adult population, is under extreme stress. They've had to reduce — that is, lay off — most of their certificated teachers and make do with other kinds of programs which they're trying to make work. Quite frankly, if you spend \$5 on something, chances are you aren't going to get the same result that you will get if you spend \$15 on something.

In the same fashion, we have reduced access to those kinds of programs that would provide disadvantaged young people at the front end of the education system with some sort of head start. I'm referring of course to things like junior kindergarten and senior kindergarten.

Then we also have the problem that our young people face in going off to post-secondary education. Cornwall has traditionally sent a larger proportion of its young adult population off to post-secondary than the rest of the province. However, our community college, which is the chief reason for that, is under attack. It may not survive as a viable institution because of government cutbacks. That would mean that young people would have to go off to another community to get further education, incurring a doubling or a tripling of the annual cost to them at a time when it's harder for them to earn the money to do that and when it becomes even impossible to get loans, loans which, if they were successful in achieving them and they were able to graduate from their program, they would be looking at \$30,000 or more to be paid back in an employment market where it takes two to three to four to five years for a person with a good education in this province to establish themselves in a proper, permanent job.

I would just close by saying that rather than vilifying and perhaps even criminalizing those who have less advantage than others, and placing restrictions and

inhibitions upon them, it would be more appropriate to look at ways in which we could create jobs and make it easier for people to acquire the education and training they need to fill those jobs. I'll just give you two suggestions.

Here in Cornwall we have the St Lawrence River Institute of Environmental Sciences. This institution has the potential of becoming the Massachusetts Institute of Technology equivalent for Cornwall. It could create tremendous spinoffs in knowledge-based industry. But this organization limps along, doing very good work but not receiving the support it should be receiving from either level of government. In addition, we have a unique opportunity here to create certain other environmentally based industries that would be spun off or arise as a result of the work done by the St Lawrence River Institute of Environmental Sciences. Quite frankly, this is an area where this government could show leadership and has to date failed to do that.

I would also point out that in the downloading of infrastructure, roads, to the municipalities in this region, this government has probably made it more difficult for job development to occur in this area. I've just come back from New Brunswick, and I was astounded at the quality of the infrastructure in communities the size of Cornwall in New Brunswick. The government down there has made an investment in hard and soft goods. I have great quarrels with the government in New Brunswick in other areas, but they have made it possible for economic development to occur in a community equivalent to Cornwall, whereas this government has placed impediments to economic development while at the same time introducing a bill that would tell the people who are having trouble getting real jobs: "There is something wrong with you because you haven't got a real job, and we're going to punish you. We're going to make you follow certain rules. We're going to expose you to some very real risks to life and limb, to harassment, to degradation. We're going to expose you to those risks and we're going to prevent you from doing anything about it."

I said I was closing about three times now. There is a young man who is on my mind. This young man is an injured worker. He has a family. That young man today has to decide between continued personal injury and destitution for his family. That's the choice that the aggregate policies of this government have left him with. It seems to me that instead of vilifying and harassing and exposing that young man to danger, a better role for this government and this committee would be to ensure that this young man had the opportunity to improve himself, to acquire some economic skills that he could use, and not place him in the position of having to choose between further injury and poverty for his family.

The Chair: Thank you very much. That allows just a little over two minutes per caucus, and we begin with the government members this time.

Mr Dave Boushy (Sarnia): I have just a brief question to ask. Could you tell me how much union dues are? If a welfare recipient has to join, how much would he pay in union dues? That's a serious question. And what

would he get in return for his union dues, since he doesn't have really a real job?

Mr McEwen: Whenever people come together to act jointly, they make those kinds of decisions. It would seem to me that if I was an organizer of the conscripted workers, there would be no fee for assisting them. I am sure we could find money somewhere else.

I will draw as a parallel the injured workers' centre here in Cornwall, for which I gather the funding from the government has been largely withdrawn. I don't believe they charge their clients fees, but rather they get the money from fundraising and from contributions from local unions. I imagine something very similar to that would occur because we have a very similar situation.

Mr Boushy: You are a member of a union, sir?

Mr McEwen: I am a member of the Ontario Secondary School Teachers' Federation, sir.

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Mr Boushy: Could you tell me how much you pay for union dues per month?

Mr McEwen: I believe I am paying approximately 1% of my salary. Frankly, I think it's the best money I am spending.

Mr Rollins: Do I have time for a quick one?

The Chair: Actually, no. The two minutes are up. We move to the official opposition.

Mr Cleary: I would like to thank you, Natalie and John, for your presentation. I'll speak to John's comments especially because he's from a community I'm involved in. He had talked about the downloading quite a bit. He had talked about an opportunity with a new environmental science project which he's been involved in and I've been involved in for many years. They're trying to get money from both levels of government because they see an opportunity to do a lot, especially on the St Lawrence River and other environmental issues.

He had mentioned also about the downloading and the stress municipalities are under with their roads.

Also something new brought on by this government is the policing in this area, which we're going to be getting a hefty tax bill from, one that will take a lot more than a 30% cut in the provincial income tax.

He also mentioned our college system, which we were very proud of, being connected with Brockville and Kingston. They're under a lot of stress, so much so that the hall they have in our community, they're trying to get donations to run it privately. I know the students in our community are very upset about what's happening at the college and it's a real mess.

I also mention the health care system. We have residents here who can't get appointments here in Ontario because they're booked. People book and they're on waiting lists. One lady who was supposed to have an operation tomorrow couldn't get the operation in Cornwall. She's going to have to go to Quebec. She has it slated for tomorrow, and OHIP are not saying whether they're going to pay it or not.

There are real issues out there that we should be talking about to get the government to listen.

The Chair: Thank you, Mr Cleary. We move to the third party.

Mr Kormos: I thank you, as I do all participants. You know there are people who are strong supporters of Bill 22. There are people who firmly believe that certain classes of people shouldn't be able to belong to a union or an association, and we've heard from them as well.

I want to tell you people something. You made reference to the 21.6% cut in assistance levels. I recall that. It was one of the first things the government did. You know what they followed that very quickly with? A salary increase for MPPs. Let me tell you what happened.

The base salary was \$42,000 a year — calculate this — plus \$14,000 tax-free, right? Let's gross the \$14,000 up by 100% to turn it into \$28,000. Add \$28,000 to \$42,000. That comes to \$70,000. So with a very generous interpretation, our salary was the equivalent of a \$70,000 salary, \$42,000 plus \$14,000 tax-free, right?

The new salary is \$78,000 a year. That's around a 10% increase in MPPs' salaries. They say, oh, but they eliminated the per diems. But the per diem was around \$80 a day. At \$8,000, you'd have to do 100 days of per diem committee work. Nobody ever came close to doing 100 days of per diem committee work because they only did that during the legislative breaks. They raised MPPs' salaries — the arrogance — immediately on the heels of slashing social assistance budgets by 21.6%.

They tried to pretend, they've been trying to tell people, that they lowered MPPs' incomes by making them taxable, but they grossed up the tax-free portion by over 100%. Interesting data.

The Chair: Thank you very much for coming to present today. We very much appreciate you coming forward.

CLAUDE LAPERRIÈRE

The Chair: We would call on our next presenter, Claude Laperrière. If you could come forward and correctly identify yourself, in case I made any errors, for Hansard, we would appreciate it. In the event you were not here earlier, just so you know, there's a total time allocation of 30 minutes. Any time remaining during your presentation is divided equally between the three caucuses.

Ms Claude Laperrière: My name is Claude Laperrière and I'm here representing myself. I'll give you a background on what I do. I'm a community worker with a community health centre that services the francophone community of SD&G. I'm also the animator of a community garden. I'm a director of the Kiwanis Club. I work on the board of directors of a women's shelter servicing francophone women in Alexandria and I work actively on three different environmental committees.

When I was called to come — actually the call was that I would come and answer some questions that people had on the placements that we have made with workfare — I was very happy to be able to assist. But then I received a phone call and I was told that this was about Bill 22. I

hate to say this but I'm very busy and I hadn't had a chance to be up on Bill 22, with the knowledge of it, so I asked to have a copy of it. When I received it, I read it and I kept looking for the other pages because I thought this was really a non-issue.

Where I'm concerned, I received placements in community participation. I'm under the impression that these people who are coming are not paid by the agencies that receive them. They're not salaried employees. To me, joining a trade union — I may not be very knowledgeable on this — would require that there be a salary paid and an employer. This seemed to me an error that was being corrected.

Where I was very sad is the fact that the biggest challenge we have when we're doing community work is to find funding and to find participation from people. What saddened me was the fact that I started to do a mental calculation of what this exercise is costing. Believe me, if I only had 20% of what this has cost the taxpayers to use in programs such as the community gardens, youth centres, volunteer drivers — because the job I have at the centre is as manager of volunteer resources. If I could have just had that, I could really go far this year.

In regard to the placements I've had, I hope that you will have a chance at lunchtime to question the people who are responsible for enacting the program here in Cornwall because it has been a success story as far as I'm concerned. In the placements that I've dealt with and the different areas where these placements have been made, there have been no concerns of safety. I think it has to do with the people who are running the program, who are running it properly. It has been a win-win situation in our case and I'm proud of it.

That is all I have to say. I just wish, as I say, that you hadn't come down just for this. Please correct whichever error was done before, because it's unfortunate to see all the time devoted to something like Bill 22.

The Chair: Thank you very much. That leaves us just under seven minutes per caucus. We begin with the official opposition.

Mrs Papatello: Thank you for coming today. I can't tell you how much I agree with what you've said today. What was most interesting to me about your comments is that you were called to come to speak today about workfare. In fact, this is about Bill 22. I don't know if you were here earlier on when I made a motion, and it was defeated by the government members, to cancel all future hearings on this bill because it is a complete waste of taxpayer dollars.

What this bill is, because it's only one page long, it replaces a paragraph that was in the original Ontario Works bill, Bill 142. When we were passing clause-by-clause of that bill at committee last fall — the government members of course have a majority on the committee so you assume that every clause is going to pass because government members vote in favour. The opposition is opposed to the project overall; we vote against. When it got to section 73, one government member was asleep, another was doing correspondence, another was reading

the newspaper, a fourth was out of the room. In the end they missed passing that one clause, section 73.

You'll note — I think you have the bill there — the bill is actually ordered numerically correctly, 73. It's the same section that they slept through last fall, which is what led to this bill being dubbed the "Sleeping Beauty" bill. Had they not slept through committee the last time, we wouldn't have to go through this entire charade.

1140

There's no question that we're opposed to the way they've gone at this program, because we'd like to see something that isn't political propaganda, frankly, when you're dealing with individuals who need help to get back into the workforce. The point is that they have now taken government money, sent 19 people yesterday to Sudbury by plane, flew us back to Toronto to fly us to Ottawa to spend the night in a hotel, to get on a bus to come to Cornwall for part of the day so that we can talk about a one-page bill which was simply the replacement clause, which since last fall they have now politicized, retitled "An Act to Prevent Unionization" etc, and have taken on the road with the minister making public comments about how she will not allow labour groups to not allow workfare to go forward.

What you've correctly identified as some of the issues to workfare not working is the difficulty of many agencies to participate in programs where some additional administration costs are not being met: real training opportunities, the staffing in place in agencies to do this training for these individuals etc. There are many, many agencies out there that could do it if they had the funding available to do real training.

The difficulty I have is that in the end it doesn't matter what party you belong to, I think that ultimately if you're going to just do something because it's political propaganda it should be paid for by a political party and not government funding. But so far our costs total over \$700,000 just on Bill 22.

I appreciate your coming. I think, the kind of work you're doing, your time may have been better spent in the agency work that you're engaged in.

The Chair: We have the two other caucuses.

Mr Kormos: You're in a hurry to get back to doing what you're doing and I understand that. I appreciate your comments, your candour. You've got to understand, neither of the opposition parties demanded public hearings on this. This Bill 22, this one-page bill, is getting more public hearings than did the original workfare legislation. We did two days of public hearings in Toronto, we're doing four days of travel, and it's really pretty wacko. As Ms Papatello says, we went to Sudbury yesterday — please correct me, Chair, if I'm wrong — and there was a total of five submissions made, one of them the current candidate in the by-election. We spent a total of around two and a half hours maximum in Sudbury, flying up there —

Interjection.

Mr Kormos: Six? I'm sorry. OK, six. One was a no-show, so five. It's wacko. These hearings came about as

the result of a closure motion which required that this bill go to committee for six days of public hearings. The closure motion I think actually indicated four days outside of Toronto, plus two in Toronto. We didn't advocate for four days or any days outside of Toronto.

This is the justice committee to boot. This wasn't the same committee that considered workfare. It's the justice committee, because we had brought, again, this application to have an inquiry into the Dudley George affair and the only way the government could knock that as-of-right inquiry out was by bringing this.

God bless, we have folks like you who do the same and similar things down in Niagara. You know some of them, I'm sure, and have dealt with them. I appreciate your coming here and I appreciate your candour.

Mr Klees: Thank you very much for taking the time to be here with us. I just want to thank you for, first of all, your expression about the fact that you feel the money that's being spent or the time and effort that's being spent on these hearings could be spent better elsewhere. I don't disagree with you on that. Quite frankly, I would prefer that the resources of this time that we have here could go to the front lines.

Mrs Papatello: You should have passed my motion this morning.

The Chair: Order, please.

Mr Klees: The fact of the matter is that we do have to carry on the business of government as required legislatively to get this done. What really does necessitate us being here and addressing the issue, regardless of how it's come before us, is because of the fact that people like yourself have experience on a positive side with the Ontario Works program. You see first hand that people are benefiting from the Ontario Works program.

There are many people across the province who are finding jobs. This is not just about putting people into a training program. There is an objective to the Ontario Works program. We're hearing many positive results.

It is a program in growth, it's a program in transition and it's not perfect. We have never said that it is. We need to hear from people like yourself. We need to hear from people across the province how we can improve it. What is it that can be perhaps refined in the program to make it better and to work better for the people it's intended to serve?

Yet there are those in our community — the previous presenter indicated that in Kingston, for example, as of June, there were no community placements. Let me tell you why. The fact of the matter is that there are political action groups across the province, and you may have heard of them, that are going to agencies which would want to be hosts to community placements and are threatening them, threatening to withdraw funding, threatening to create political action and demonstrations if they participate in the program.

The union movement has threatened to unionize community participants if we proceed with the program. As you rightfully said, there's no basis on which to create a union, because these people are doing volunteer work.

They're doing it under the auspices of an Ontario Works program and they're benefiting from it. But for reasons beyond our comprehension, these organizations are threatening this unionization strategy, again, with a view simply to put the barriers up.

The previous presenters used the terms "coercive" and "punitive," and they were applying those terms to the Ontario Works program. You know the program. There is nothing coercive or punitive about it. Where those terms do apply are to those political action groups and to those union groups that are using coercive and punitive measures to threaten agencies not to participate in the program. That's what this bill is about. It's about removing those barriers and ensuring that the program can be implemented to the benefit of the people in this province.

It's for that reason, as well, that I've invited members of this committee to join with us at lunch in the Red Room to meet with people who are participants with the committee here. It's called the Community Placement Selection Committee, comprising people who represent the private sector, who represent agencies, who represent union positions, who are also involved in ensuring that none of the negative aspects that the program is being accused of take place, that the program is implemented in the way and the manner that it's intended to be.

So I do trust and I hope that Mr Kormos and Mrs Papatello join us at that meeting at lunch today and have an opportunity to hear first hand the positive elements of this program. I trust my colleagues will join us as well. That was the reason for my motion this morning, to ensure that as we travel the province, because we have to consider the bill —

Mrs Papatello: You don't have to travel the province with this.

Mr Klees: — that at least we can then see first hand in these various communities the good work that is being carried out through the Ontario Works program.

Once again, I want to thank you. You're obviously doing tremendous work within your community. It was difficult for you to find the time to be here today. Thank you for taking the time.

Ms Laperrière: Can I respond?

The Chair: Yes.

Ms Laperrière: In response to what was said to me, I just stayed within the realm of Bill 22 in my presentation. What I find would be the solution, obviously, is if we had enough jobs for people to have decent livelihoods.

When I say it's a win-win situation in the program, I'm saying there is a positive outcome. It is not necessarily leading to a job, because there aren't necessarily the jobs out there. But it does have a positive outcome. In other words, the people are getting something to build themselves up, their self-esteem, participation in the community. But the fact of the matter is, we need jobs.

I could go on. If it hadn't been just Bill 22, I could have made a presentation to talk about the specifics of our area, but I'm sure that at lunch time — please, I invite you to go in and question these people and to find out how they're

doing it. Having been a spectator to what I'm hearing, I feel as if I belong to another world. I honestly feel very fortunate.

The Chair: Thank you for coming forward today. We very much appreciate your taking the time to come before us.

At that, this committee sits recessed until 1330 of the clock today.

Mr Klees: Mr Chairman, might I just reaffirm the invitation to members of the committee to join us in the Red Room.

The committee recessed from 1151 to 1334.

ANTI-POVERTY PROJECT

The Chair: I would call the first presenter forward for this afternoon. If we could have the representative or representatives from the Anti-Poverty Project come forward, and if you could identify yourself for Hansard, we would appreciate it. Thank you very much for attending, and as well for waiting until this afternoon to present.

Ms Linda Lalonde: I knew Frank had a pressing luncheon engagement and I wanted him to be here to hear this.

My name is Linda Lalonde. I work with the Anti-Poverty Project in Ottawa-Carleton. I'm going to do a bit of historical, how-I-got-to-be-here stuff, because I think it's important that you understand where my knowledge of employment in relation to social assistance recipients comes from.

I was involved for five years with the Opportunity Planning Project, which was a five-year pilot project in Ottawa-Carleton. It was a voluntary program — people chose to be involved in it — which provided access to training, employment supports, counselling and child care. It was a highly successful program, and saved money and reduced significantly the recidivist rate of those people who were involved. I know Frank has the final report, because we sent it to him, if you want to look at how wonderful it was.

Secondly, I was involved with the organizing of the job link centres, now employment resource centres, in Ottawa-Carleton, which included quite an intensive community consultation, and later sat on the planning and review committee that oversaw the operation of the centres. This was a very successful project and, again, was voluntary.

I worked for four years as an advocate for social assistance recipients with the Social Assistance Recipients' Council in Ottawa-Carleton, which was an organization established and run by people who were on social assistance.

For two years now I have been the community organizer for the Anti-Poverty Project, and I will emphasize that it's community organizer and not labour organizer; it's that kind of organizing. I do public education and advocacy there. For example, I've been doing information sessions about Ontario Works for the past several months and will be continuing that probably for the rest of the program.

I'm also involved in the Ontario Works monitoring project in Ottawa-Carleton, which is a project that's funded by the region and by the two universities in Ottawa. The monitoring committee involves representatives of business, labour, community agencies and recipients themselves. We've been running focus groups and one-on-one interviews with people who are in various streams of Ontario Works. There is an interim report which will be coming out in September. I've seen the draft — I'm not going to tell you what it says — and the final report will be coming out sometime in the early part of the new year.

I'm also a board member on the National Anti-Poverty Organization, and you'll understand why that's relevant in a minute.

I've had a lot of involvement with employment programs of various types.

The other thing I do want to tell you is that Ottawa-Carleton is a rather unique community in Ontario, where the social services department has worked historically very closely with both community agencies and people who are actually on social assistance. So the programs that are developed in Ottawa-Carleton are usually very responsive to need, they're very responsive to the kind of community we live in and they've also been very successful.

1340

We have never had a program for people on social assistance that has not been oversubscribed. We've often had six-month waiting lists for employment programs. On one occasion we had a program for single mothers which had a two-year waiting list, and they finally closed the waiting list. It was a little silly to say to someone: "Sure, we've got a program for you. Call us in two years."

Our history as a community is to be very involved with providing ways for people to get employed.

I'd like to address first of all — and I'm sure you've had this mentioned to you a couple of times already — the obligations that the government of Ontario has to its citizens, some of which are found in the International Covenant on Economic, Social and Cultural Rights. I'd just like to read you a few.

"The states parties to the present covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work, which ensure, in particular:

"(a) remuneration which provides all workers, at a minimum, with:

"(i) fair wages...;

"(b) safe and healthy working conditions....

"The states parties...undertake to ensure:

"(a) the right of everyone to form trade unions and join the trade union of his choice" — I assume that means "his or her" — "subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests....

"(c) the right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the

interests of national security or public order or for the protection of the rights and freedoms of others.”

That's an obligation that the government of Ontario, in the old days of Bill Davis, who I understand was a Progressive Conservative, agreed to.

The reason I mentioned that I'm a board member of NAPO is that the National Anti-Poverty Organization is going to Geneva this fall as part of the review, which is I believe on a five- or 10-year cycle, of Canada and the various provinces' adherence to that particular international covenant. We'll be presenting, among other things, the behaviour of the Ontario government. Certainly the fact that you're going to bar people from participating in unions, which you have specifically agreed not to do, will be one of the things that will be brought up.

It was interesting to us, of course, to see the Ontario submission, which includes only the time period up to 1995, which some of you may realize is a rather significant date in the life of Ontario.

I'm not going to talk about the ILO obligations because I'm sure you've heard lots of that from labour people and I'm not a labour representative here.

There are also Canadian obligations that people have the benefit of under the Charter of Rights: freedom of association etc.

I want to reflect on the minister's statement to the House where she said: “Ontario Works is aimed at creating critical links between welfare recipients and employment.” Then in the next bullet she says: “Community placements provide welfare recipients with the opportunity to,” blah, blah, blah, “and to make contacts for future employment.”

I'd like to talk to you about some of the benefits of union membership, as we see it. First of all, there are a number of unions where employment in that field is based on your seniority in the union. If you were taking a six-month placement in that particular field — and these are usually in the building trades and so on — and you could join the union the minute you walk in the door to start that placement, you would in fact move yourselves six months up in the seniority list, which would mean that you would find employment on a permanent basis six months earlier than had you waited until the end of that time.

There are many unions that provide training to their workers, to people who are members of that union. I find it rather baffling that the government would rather pay for the training themselves than allow a union to pay for training. I know that some government members object to the way unions spend their money, but I would have thought that would have been a positive and approvable spending of their money.

The third thing: From my experience with the Opportunity Planning Project, one of the beneficial things that we were able to do was to get people hooked up with someone else who was in that field and who could take them through the various intricacies of a specific occupation.

I can see a lot of instances where there would be possibilities for mentoring that could be established

through a union connection. Again, I'm thinking more specifically of things like building trades, where you really need to know how to move through the hoops. Obviously there are other areas where union connections would help you.

I believe there could be some kind of associate membership in a union established — and I think this will address your comment this morning about how much does it cost to belong to a union — that would encompass people who are on community placements, which could also be extended to, for example, people who are doing co-op placements, people who are doing other non-paid types of on-the-job training placements. I think it would be a way of the union bringing those people in and having some kind of obligation to them before they actually were getting money from them and certainly would be, in my view, a way of working with the unions and having them provide some support to people who are in the situation that welfare recipients are.

The other concern we have is that this may be the thin edge of the wedge. What's next? Will other groups be shut out of union membership because they are a category of persons? Will other — and this is more important to me — freedoms be taken away from people who are on social assistance? Will, for example, a person who is a Muslim woman no longer be able to say to her welfare worker, “I can't be alone in a room with a man who's not my husband or my brother or a member of my family,” and therefore be put in a work placement where that kind of situation would arise? Would a Seventh Day Adventist be able to say, “I can't do a placement that requires me to be there on Saturday”? There are a whole lot of other possibilities. Taking away one freedom makes us quite concerned about where you're going to be looking next and what kind of other infringements there will be on people simply and solely because they happen to be unfortunate enough to be in receipt of a welfare cheque.

I didn't mention that I had the benefit of spending a number of years at Carleton University studying law. I'm now doing a graduate program there in law, in negotiation and conflict resolution, which perhaps would have been useful to you this morning. One of the very first things that I learned there was that laws are created to right a wrong, and I have not been able to determine yet what the wrong is that this legislation is attempting to right. What is the point of this legislation? I'd love to have someone answer that for me. Or is this just another attack on folks on welfare with the added bonus of being able to nail the unions at the same time? Because certainly that is the perception that is out in the community, that this is just another way of nailing people who for whatever reason, usually out of their control, are in receipt of social assistance.

The Chair: Thank you very much for your presentation. That affords us over five minutes per caucus. We begin with the third party.

Mr Kormos: Thank you kindly. I understand you accommodated us by being here at 1:30.

You focused on the right of association, freedom of association, international charters, international conven-

tions, obviously the Canadian Charter of Rights and Freedoms.

You made reference to Mr Boushy's inquiry about the cost of belonging to a trade union. Do you believe that this bill in any way implies that people would be compelled, if it were not for this bill, to belong to a trade union?

Ms Lalonde: There's certainly the implication that the only way we can stop forced labour union membership is to pass this bill.

Mr Kormos: Do you have any direct involvement or experience with the trade union movement? This is an open question. I really don't know.

Ms Lalonde: From 1973 to 1977 I was a member of the Public Service Alliance of Canada and last year, because I did one of those 8:10 in the Morning on CBO things, they took union dues off my paycheque that I got. I think it was \$3.45. That's the most recent experience that I've been involved with a union.

Mr Kormos: We also heard from an interesting submitter today, Ms Laperrière, who's a volunteer coordinator here in Cornwall and who has so-called workfare placements, not under her direct supervision but she's coordinating, that she is placing in volunteer positions. You've done a lot of work with low-income people, poor people. My impression is that volunteerism and participation in community activities has been as much a part of low-income and poor people's lives as it has of anybody else's, notwithstanding Bill 142, and now Bill 22. What's your impression in that regard?

Ms Lalonde: Certainly in Ottawa-Carleton there are a lot of organizations that wouldn't exist if it were not for the voluntary labour of people who are on social assistance. I'm thinking particularly of food banks and other very localized programs — community gardens, those kind of things, programs that, for example, offer child care while a parent is at an appointment. Those programs are often dependent on having volunteer social assistance recipients.

1350

Mr Kormos: You made reference to Ms Ecker's comments about the end result being a job, that that's what her mandatory workfare was all about. What's your sense of the type of job availability out there in your community, regardless of whether you've got mandatory workfare or not?

Ms Lalonde: In Ottawa-Carleton, unless you have high-tech training, you're probably only looking at a quarter of the jobs that are available. The biggest problem we have is not that we don't have jobs available but that the match between the people who are unemployed and the jobs that are available is not there. For example, we have a lot of people who came out of the federal government who have specific administrative — they've been trained to do this little job here, but they can't translate that experience into a real world job and are not being hired by the private sector because their training is so narrow, and they don't have a way under this program of getting the training that would make them able to do the high-tech jobs that are available.

Mr Kormos: Down in the Niagara region where I'm from, adult ed has really suffered, even this process of getting your high school diploma as an adult, because of the cuts. What's the situation like in your area?

Ms Lalonde: We still have a couple of adult education schools. We did when I left Ottawa this morning, anyway.

I want to mention, by the way: If you lads and Sandra were in Ottawa this morning, you could have just met with me there before you left, and then you could have come down here. I just wanted to make that point. Thank you for putting that in my mind.

Mrs Pupatello: I would have loved to.

Mr Rollins: But you weren't up early enough, Sandra.

Ms Lalonde: You would just have to leave there half an hour later, you see.

The Chair: Order, please.

Ms Lalonde: You would have been so happy after you left there talking to me that you wouldn't have had that argument this morning, so you wouldn't have been behind time. Now your question was?

Mr Kormos: Adult ed.

Ms Lalonde: We still have some adult ed programs. They have been cut back. There are fewer people able to get into them and eligible to take them.

Mr Kormos: Now that you mention having to come down here from Ottawa, I'm not sure — Chair, you can help — but Ms Laperrière is from Cornwall, the Kingston and District Labour Council that made a presentation this morning is from Kingston, you're from Ottawa, the Barrie Action Committee for Women which is going to be speaking next is from Barrie, the Heart and Stroke Foundation — are they going to be here this afternoon, sir?

The Chair: They're here.

Mr Kormos: Are they from Cornwall?

Interruption.

Mr Kormos: The Cornwall area, OK. So we've got two Cornwall participants and then Kingston, Ottawa, what have you. We were in Sudbury. We went all the way to Sudbury yesterday and back, and then from Toronto to Ottawa for, what, a total of five submissions? Whacko. Ms Pupatello is going to talk about that.

The Chair: Thank you, Mr Kormos. Now we move to the government members.

Mr Klees: Ms Lalonde, thank you for your presentation. I would like to respond to the specific question you asked; that is, what is the wrong this legislation is righting? The wrong, frankly, is the threats, both direct and indirect, obvious and unfortunately sometimes not so obvious but realized by many organizations across the province, that unions have made that if the organization were to agree to accept a community placement, they would unionize the workfare participants. Quite frankly, this government does not agree that this would be appropriate. This bill does not in any way preclude anyone from joining a union. The legislation is very clear that it is with respect only to community placement participants.

I'm thankful to Mr Kormos for pointing out that for years in fact it's the spirit of Ontarians to volunteer. You

confirmed that in Ottawa-Carleton many agencies couldn't exist without the volunteer efforts of people in their organizations. It's my experience, and I'm sure yours as well, that many of those volunteers are welfare recipients, or have been. I find it interesting that for all of these years welfare recipients have been volunteering in agencies across this province, the unions have never come forward threatening to unionize them. I wonder what's at the heart of that intense opposition or that need to feel that they have to now, under the Ontario Works program, come forward with that threat to unionize.

I just wanted to respond to your question. I want to move on to another question because you raised —

Mr Kormos: On a point of order, Chair: Ms Papatello is choking. I don't know if she's choking on his words or —

The Chair: Order, please.

Mr Klees: If you could take her choking off her time, I'd appreciate that.

You raised a very interesting point with regard to unionized workplaces that may well want to support a community participation opportunity, and that the union would in that case pay for the training. We would not stand in the way of that. I think that is the kind of partnership we invite. We have said many times, "We want to work together with the unions in this province with this program." because if anyone should be concerned about helping people transition back into the workplace, we would think it would be the labour movement and unions in this province.

I'm open to discussing some way in which we could accommodate that kind of positive suggestion by unions to ensure that we don't preclude a union partnership in helping people who are on welfare get training. If you have any suggestions in terms of, perhaps, an amendment, and Mr Kormos may want to move an amendment that would recognize that opportunity for welfare recipients so that we don't preclude something like that, I look forward to your suggestion or even by Mr Kormos.

Ms Lalonde: I think you missed part of what I was saying. Union training is offered to their union members. I would be very surprised — I don't have any connection with a union or any of their training programs — to find out that they would give a spot in their training sessions to someone who is not a member of the union, paid for by union dues, and pass over somebody who was a member of the union. The term "revolution" is familiar to you and I suggest that there would be a revolution within the union if that was done.

What I was suggesting was that if a person was a member of the union, they would have the right to have that training.

Mr Klees: I'm suggesting to you that —

The Chair: Thank you, Mr Klees.

Mr Klees: — we're open to discussing that.

The Chair: I'm sorry, you did receive your extra four seconds. We move to the official opposition, Ms Papatello.

1400

Mrs Papatello: Thanks so much for coming from Ottawa. We didn't have a lot of choice about these hearings. Frankly we felt that the whole thing's been a charade. The tally so far in taxpayer dollars is in excess of \$700,000. This particular bill, this one-pager, is the section 73, and in this bill is so numbered, 73, that the majority Conservative members committee failed to pass last fall, because one member was sleeping, another was reading the newspaper, another was doing correspondence and another was out of the room.

Rather than just introduce it either by regulation or bill, which would have been quickly passed because obviously they have a majority government, they chose instead, on the taxpayers' bill, to take this out on the road in terms of propaganda once again for workfare. What it is in fact is just trying to paper over the errors they made themselves when the bill was first going through its processes last fall, and at taxpayers' expense.

That's the most offensive part for me, because it is propaganda. They're going forward to talk about, to extol the virtue of, workfare, and in fact 97% of welfare recipients are in no way, shape or form connected to any form of workfare and some of those people are doing well and getting off the system. The statistics paint a very opposite picture from what this government purposely paints for the public.

You said thin edge of the wedge. I was interested in that comment. Where are they going next? I come from Windsor; that's my riding. John Engler is the governor of Michigan, and when we saw what they were doing to welfare recipients in Michigan, we were quite worried. This was before the Tories were even elected. They tend to be a few years or an election or so ahead of what eventually will come into the right wing of Canada. What we saw when we saw Bill 142 was several phrases throughout the bill that talked about classes of people, and we questioned at that time if one of those classes would be single people, would be people of a certain marital status, race, whatever, because that's exactly the point we were making then: "What other group or class of people will you exempt from what?"

The latest commercial that John Engler — interestingly enough the Republican purse is paying for this advertising, unlike in Ontario where Ontario taxpayers are paying for this charade. In Michigan, the Republicans are paying for ads with Governor Engler walking down the street with his family talking about drug testing for welfare recipients. I'm expecting, whether it's the next election platform or whatever — I'm kind of loath to discuss it in case it hadn't occurred to them; I don't want to give them any ideas, but that's the kind of thing I see, that they just take it to the next step and continue to play on this division in our society instead of doing the opposite and really trying to integrate us and make us all responsible for everybody in our society, which I think is what Dalton McGuinty's position is and has been. You may know more of him, coming from Ottawa too.

That's my fear. What are we doing here? Why are we here? What is this bill really about? We have yet to see that it's anything more than an administrative error on their part at enormous expense to the public purse. The irony that the Conservatives would be so blatantly wasteful of taxpayers' money for sheer propaganda just astounds me. To that end I called for a motion to put an end to this charade, and unfortunately they have chosen not to do that and they'll continue to waste taxpayers' money to exploit, in my view, people who need the help.

I don't want to give any more examples of the American experience, but that thin edge of the wedge is there, surely just for politics, and then once you get past the election their words, policy on the back of a napkin, end up being public policy that simply doesn't work out there in the real world.

Ms Lalonde: I might just recall that when I appeared in the Bill 26 hearings one of the questions that was asked of me was how would I stop Ontario from spending \$1 million a day more than they took in, or words to that effect, and \$700,000 is a good part of a million. Anyway, on the thin edge of the wedge concern, we have seen a number of instances where what appears to be a fairly unharmed piece of legislation, when it's actually put into practice, is not equally applied to people.

As a matter of fact, the day before yesterday I was in a low-income housing project and had a story related to me where a Somali woman, who is Muslim and lives alone with her five children, had a male ERO arrive at her door — that's an eligibility review officer. She refused to let him in. He left. He came back a few minutes later and her daughter refused to let him in. He left and he came back a bit later with two policemen. It wasn't until the intervention of an elder from the community who was able to explain to them that she could not allow a male to come into her house — they were going to haul her off to jail. They were going to put the handcuffs on her in front of her children.

We get very concerned when we see something that is an infringement of rights that already exist. If you won't stop at this level, where will you stop? Where is the pendulum going to end up?

The Chair: Thank you. We very much appreciate you coming forward and spending the time with us today.

Prior to our next presenter coming forward, are there representatives who have shown up and are waiting from the Low Income Needs Coalition? No? Okay.

BARRIE ACTION COMMITTEE FOR WOMEN

The Chair: Then we would have the representative from the Barrie Action Committee For Women. If you could come forward and identify yourself for Hansard, we would greatly appreciate it, and you may begin.

Ms Sherrie Tingley: Sherrie Tingley from the Barrie Action Committee For Women. I'm here today as a volunteer. Our group is a volunteer group.

Thank you for this opportunity to come here today and talk to you about Bill 22. I'm very lucky I was able to make it here today. When I was writing this on the weekend there still was no commitment to support people's expenses to present to this committee. As you go across the province and wonder at the lack of participation of welfare recipients, you might want to consider that this presents a barrier to democracy, to have to risk your child's food and shelter to participate in this process. I am a single mother, so I had to give up work today as well.

The Barrie Action Committee For Women was founded in approximately 1989 and is dedicated to the social, political and economic equality of women. Over half of our members are women living in poverty, so often we are looking through the lens of poverty at issues.

Over the years in our community of Barrie we have worked to ensure that those most affected by issues and decisions being made have meaningful input into those decisions.

I'm just wondering how many members of the committee are lawyers. Could you put your hand up if you're a lawyer?

Mr Kormos: Do we have to?

Ms Tingley: Yes. I just wanted to know. Two lawyers. Mr Parker.

Mr Kormos: I apologize in advance.

Ms Tingley: I'm also wondering how many members of this committee are aware that 1998 is the human rights year and we're celebrating the 50th anniversary of the Universal Declaration of Human Rights. Do people realize this? I guess nobody on this committee realized this was the 50th anniversary of the universal declaration. Does anyone know what the Universal Declaration of Human Rights is? There's no show of hands, so nobody knows what the universal declaration is.

It's quite small. The Universal Declaration of Human Rights was passed December 10, 1948. The preamble states:

"Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

"Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people...."

I think you people may realize why it was important to pass the universal declaration after what had happened in Germany.

1410

I assumed, because this is the standing committee on justice that's considering this bill, which deals with a pretty basic human right, that it was important to talk to you about the Universal Declaration of Human Rights and the obligation of all governments in Canada to uphold all human rights for all. That's the theme this year of the celebration: All human rights for all.

International human rights law has been designed to protect the full range of human rights required for people to have a full, free, safe and secure and healthy life. The right to live a dignified life can never be obtained unless basic necessities of life — work, food, housing, health care, education and culture — are adequately and equitably available to everyone. Based squarely on this fundamental principle of the global human rights system, international human rights law has established individual and group rights relating to the civil, cultural, economic, political and social spheres. Civil and political are things like free elections, so if you're wondering what human rights are, that's part of it.

There are two instruments that fall out of the universal declaration. When the universal declaration was passed, they decided to define the rights within the universal declaration with two covenants: the International Covenant on Economic, Social and Cultural Rights, which Linda talked about, and the International Covenant on Civil and Political Rights.

Is anyone familiar with the international covenants? OK, no one. The two covenants are legal instruments. This is from the UN fact sheet 16:

"Thus, when member and non-member states of the United Nations ratify a covenant and become a state party to it," which Canada is, "they are wilfully accepting a series of legal obligations to uphold the rights and provisions established under the text in question." When a state ratifies one of the covenants, it accepts the solemn responsibility to apply each of the obligations therein and to ensure the compatibility of their national laws with their international duties in a spirit of good faith.

Through the ratification of human rights treaties, therefore, states become accountable to the international community, to other states which have ratified the same text and to their citizens and others resident in the territory.

Are you aware of the indivisibility and interdependence of all human rights? That's really what the theme of the international year is about.

Really, civil and political rights have received more attention — free elections and whatnot — and have been instilled in public conscience to a far greater degree than economic, social and cultural rights. It is therefore sometimes wrongly presumed that only civil and political rights — rights to a fair trial, rights to equity of treatment, right to life, right to vote, right to be free from discrimination — can be subject to violation and international legal scrutiny. Economic, social and cultural rights are often viewed as effectively second-class rights, unenforceable, non-justifiable, only to be fulfilled progressively someday. Such perspectives, however, overlook a fundamental part of the global human rights system from 1948 with the universal declaration; namely, that human rights are indivisible and interdependent of civil and political rights, and they're fundamental tenets of international human rights law.

Recently, Canada reaffirmed its commitment to the indivisibility of civil, political, economic, social and cultural rights by supporting a 1997 resolution of the

United Nations General Assembly which states, "All human rights and fundamental freedoms are indivisible and interdependent." The resolution also recognizes that the full realization of civil and political rights without — and this is the interdependency — the enjoyment of economic, social and cultural rights is impossible. So Canada supported that.

Again, Canada will be reviewed this year. They'll be reviewed at the United Nations committee on economic, social and cultural rights, which is responsible for monitoring states' compliance. State parties have to submit a report, and again Linda mentioned that, every five years. As part of the current review, the Canadian government sent off a core document explaining how human rights worked in Canada. That's document 91, and this explains: Some human rights fall under federal jurisdiction, others under provincial and territorial. Therefore, human rights treaties are implemented by legislative and administrative measures adopted by all jurisdictions in Canada. It is not the practice of any jurisdiction in Canada for one single piece of legislation to incorporate all the human rights. Rather, many laws and policies adopted by federal, provincial and territorial governments assist in the implementation of Canada's international human rights obligations.

This was submitted January 1 of this year to the UN to form the core of its report.

All jurisdictions review their legislation for consistency with the human rights conventions in question before the ratification. To ensure compliance, existing legislation may be amended or new laws enacted after ratification. Canada's international human rights obligations are taken into account in drafting new legislation.

So I'm surprised that this committee could not raise their hands about your international obligations, because I would have assumed that this committee was taking into account Canada's obligations.

Has an international human rights expert been consulted with this bill? This must be a reoccurring theme. Is there a show of hands? I don't quite know.

In May, the Geneva committee drafted very specific questions and sent them to the governments of Canada, Ontario and whatnot for the issues that will be taken up in November.

One of the questions is, "What is the position of the federal government and each provincial government with respect to whether workfare programs discriminate against welfare recipients and are contrary to article 2 of the covenant?"

Article 2 says that Ontario has an obligation to undertake to take steps individually through international assistance and cooperation to the maximum of its available resources with a view to achieving progressively the full realization of the rights recognized in the present covenant; also, that the rights in the covenant will be exercised without discrimination of any kind: race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The right to work: The committee in May — the issues were released June 10, and they're asking Canada and the province this question:

"Please provide information on any provinces which require participation in workfare or similar programs and describe the appeal procedure with respect to any disentitlement from basic necessities.

"Are these programs applied to single parents and, if so, what exceptions apply?"

"Is the committee correct to assume that these programs would have been illegal under CAP?"

They're asking, for provinces applying a work-for-welfare scheme, such as Ontario and Quebec: "Please provide information concerning the application of labour standards, including minimum wage and any discriminatory criteria that are applied."

In the covenant, it says that you recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts.

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One of the questions they're asking too is, "Please provide information regarding the rights of farm workers and domestic workers to organize and bargain collectively and identify any change in provincial labour legislation which has affected these rights." Is there any justification for denying these workers collective bargaining rights according to other workers?

One of the things you've agreed to is that everyone has the right to the enjoyment of just and favourable conditions of work which ensure remuneration which provides, as a minimum, all workers with fair wages and equal remuneration for work of equal value without distinction of any kind; in particular, women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; a decent living for themselves and their families; safe and healthy working conditions; equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no consideration other than those of seniority and competence — Linda spoke very well about having two classes of people; also rest, leisure, reasonable limitations of working hours and periodic holidays with pay, as well as remuneration for public holidays.

It really shocked me when I read the opening of this committee and the minister said, "In the name of compassion and a misplaced concern for rights, all it really offered was neglect.

I was really concerned when the Lieutenant Governor, representing I guess the crown — I'm not quite sure who she represents besides herself — said: "Your government will move to the next phase of its plan to convert welfare into work. It will expand mandatory work-for-welfare. The ultimate goal is to ensure that every welfare recipient does something of value in exchange for his or her benefits." Sounds like a job.

She also goes on to say, "Last month, leaders of another union announced plans to try to unionize workfare participants — giving rise to the prospect of participants

collecting vacation pay" — oh my God, can you imagine? — "or even going on strike for higher welfare benefits. These are real challenges that this government must and will overcome."

Now, I looked at Bill 22. I'm not quite sure what it's about. It sort of reminds me of the Ten Commandments. I'm not quite sure where she got them, Mount Cyanide or something. "Thou shall not" — or what? When I talked to welfare recipients in my community they said, "Or what?" "If we join a union, what? We'll be put to death? We'll lose our benefits?" You don't say. How can we even be discussing a bill where you don't say "or what"? It's just, "Thou shall not." I guess the intent is to scare recipients.

We're a women's group and we're going to be involved in setting the terms and conditions that people participate under in their placements. There is no way that a participant is going to be in a workfare placement and we're not going to be concerned about their conditions of work. Does that mean that a recipient who belongs to our group is already in trouble? Again, what kind of trouble? What are your sanctions?

To me, it's clear that this government is just interested in building hatred for one group of people, as evidenced by the statements of Hilary Weston. History has shown us another government that worked in this way.

Also, when I was doing the research for this, the United Nations Web site has some really great documents. There is a communication of January 25, 1996, from the Economic and Social Council to Canada. This is the person concerned with human rights violations. They go to the horrible places in the world. They send concerns. They sent this to Canada:

"During 1995, the Special Rapporteur transmitted the case of Nicholas Cotrell, a 15-year-old, and George Dudley, reportedly killed by the Ontario Provincial Police on 6 September 1995. It was alleged that the OPP opened fire on a group of unarmed...men, women and children who were defending a sacred burial ground located in Ipperwash Provincial Park, Ontario.

"The permanent mission of Canada to the United Nations informed the Special Rapporteur that Canadian federal authorities have sought information from the competent authorities of the province of Ontario which will be provided shortly to the Special Rapporteur.... Furthermore, the government informed the Special Rapporteur that on 6 September 1995, a confrontation between the occupiers of Ipperwash Provincial Park took place. According to the government, police officers who were responding to the confrontation were fired upon and they returned fire. As a result of the incident, George Dudley died and Nicholas Cotrell was injured and subsequently taken to the hospital, from where he was released shortly afterwards. In addition, the government stated that the incident is currently being investigated by the special investigations unit.

"Observations: The Special Rapporteur urges the government to investigate such disturbing allegations, identify and bring the perpetrators to justice and compensate the families of the victims."

I couldn't find any response or follow-up to that, so I don't know if it's still hanging or whatnot, but it was kind of interesting to find that in the international Web page.

I also just wanted to remind you of some of the articles in the universal declaration, specifically around work, assembly, collectively bargained. Where is it? I should have marked it. It is in the universal declaration. In fact, it doesn't necessarily talk about labour unions, but it talks about the freedom to associate, and that is really what I was getting to, that it's not clear what this bill is about. What is a union? I think it's going to go further and deprive people of the right to associate and to get together for their interests, because you haven't said anything.

Anyway, thank you.

The Chair: Thank you very much for your time. That allows us just under three minutes per caucus, and we begin with the government members.

Mr Klees: Thank you for your presentation. I just wanted to confirm for you. You asked a question as to whether this legislation had been reviewed by those with legal expertise as to whether or not it is in line with human rights legislation and so on. I can confirm for you that it has been, and we are advised, have legal opinion, that it does in fact comply. I might just add that any piece of legislation that is drafted by government goes through a process where it's reviewed by legal staff and would not be brought forward unless we had the appropriate advice, so just for your information.

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With regard to your other question in terms of just what this is about, I want to again affirm for you that this legislation in no way precludes an individual from joining a labour union. The legislation reads quite specifically, and that is that "no person shall do any of the following" — here are the very key words that people seem to either intentionally leave out when they debate this issue or have failed to place in the appropriate context. The words go on to say "with respect to his or her participation in a community participation activity." So it's very narrow in that it refers to an individual who is a welfare recipient and is involved in a community participation activity in that context.

That individual, it says, shall not join a trade union, shall not have "the terms and conditions under which he or she participates determined through collective bargaining" — because the welfare rates are set by the government, it's a social service — and shall not strike.

It's the opinion of this government — and you disagree, and you have the right to, and this public forum gives you the opportunity to express your views. Certainly our government does not believe that individuals who find themselves relying on welfare should in fact have the right to strike. There is an appropriate process through which government, society, sets the welfare rates. We're simply saying that this program, the Ontario Works program, the community participation program, is affording individuals an opportunity to gain experience in the community, to develop some job skills, to help them become employment-ready.

Ms Tingley: I guess essentially you're saying work will make you free.

The Chair: It's now the official opposition, Mrs Papatello.

Mrs Papatello: Thank you for coming up from Barrie to be with us today. I wanted to mention, in response to the parliamentary assistant, in that all legislation goes through legal counsel, I might remind him that Bill 26 was passed by the House and stripped several sections out of different acts, one of which was taken to the courts, specifically the pay equity clause. The courts upheld that it was illegal. That was two years ago, and while they were to pay, the government still has not paid.

Even though you seem to always have an answer for everything, the truth is you just never tell the whole truth. The point is that your supposed legal counsel has been wrong before. Your government is getting to have quite a record of being wrong. I would suggest that typically you likely get your counsel in a very slanted version and then you don't like people telling you you're wrong. Sometimes you just have to be the big boy and accept that, and I'd like to suggest this is one of those times.

In any event, we've been fairly frustrated with this whole process. We did bring forward a motion to cancel these hearings because it's an enormous waste of taxpayers' money for a battle which we acknowledged we lost in the workfare debate. They have a majority government. They passed it. They passed it in a very bungling manner, by missing a clause that they slept through, which is the only reason this bill is now travelling the province. We dubbed it the Sleeping Beauty bill because one of their members in fact caused that clause to fail, and that is the only reason that we're out here. The most unfortunate political side of this is that they're wasting taxpayers' money to go on a propaganda spree, a campaign spree about workfare, as opposed to just doing their job. In this case it's just a blatant waste of taxpayers' money. It's very frustrating to watch that.

We heard from some very honest people who came to us and talked about real training programs that actually do help people. Peter Kormos and I had a very interesting lunch and full discussion regarding the programs in this area that are working and why they are. Despite the best effort of government to send them under, good programs will still find a way to survive. Frankly, that's what we discovered over the lunch hour and we were pleased to do that.

Thank you very much for coming to see us.

Ms Tingley: I would be interested, from Mr Klees talking about having retained an international human rights expert to review this bill and I guess workfare itself — I would assume something so important, so fundamental as human rights, that that advice would be available to the public.

Mr Klees: First, I did not say that we had retained —

Ms Tingley: I was just commenting actually. You don't have to reply or respond.

Mr Klees: I'm happy to clarify the record for you, if you like.

The Chair: Thank you. This is Mr Kormos's time.

Mrs Pupatello: On a point of order, Mr Chairman: I'd like to hear the parliamentary assistant's response.

The Chair: That is not a point of order. Mr Kormos, this is your time.

Mr Kormos: It could be Mr Harnick — but, then again, he's so busy getting the family support plan up and running that he'd have very little time to review legislation like this. He's been very occupied bungling.

Ms Tingley: He's been on a sabbatical. I don't quite understand why recipients are accused of fraud in this province, accused constantly. Squeegee kids, we've got to pass a law against them.

Mr Kormos: Do you know why? Because it's hot politics.

Ms Tingley: Yet the highest official can break the law and be reinstated, so there are two forms of justice. Of course, there is different justice for different people, especially Dudley George.

Mr Kormos: I want to emphasize two points you made. Ms Pupatello talks about the opposition not calling for the public hearings on Bill 22, least of all travelling. We're here (1) because the Tories screwed up big-time and they didn't have section 73 passed in clause-by-clause; and (2) because we brought an application to do an investigation by this, the justice committee, into the assassination, slaughter, murder of Dudley George at Ipperwash park and the involvement of the Premier, the Premier's office and others around him. The only way they could circumvent that or avoid it was by using closure to have literally more days of public hearings on Bill 22 than they had on Bill 142 in the first instance.

The other point you make is, no penalty now. I suppose, and I don't want to give —

Ms Tingley: I don't think there was an answer.

Mr Kormos: Yes. I don't want to give free legal advice, but I suppose there's a general penalty section in the Provincial Offences Act. But you're right, because you know what? I've talked to workfare, mandatory workfare — and this is the critical word here: "mandatory." We've also talked to voluntary people working in volunteer work. The critical distinction is the fact that this is mandatory.

You know what, Mr Klees? They're still going to join unions. Not all of them, because you don't get organized. Unions don't go out there and force themselves upon workers, like Bill Clinton on Monica Lewinsky.

Mrs Pupatello: That is alleged at this point.

Mr Kormos: Ha ha, yeah.

People join together and either decide to sign union cards or not. Unions don't force themselves on working people or on workfare participants, and they're still going to do it. Go ahead.

Ms Tingley: I just wanted to add I've been a long-time community volunteer. I've sat on hospital committees. I've volunteered in pediatrics. I've volunteered with the school board. I was quite proud to belong to the hospital auxiliary of my hospital, which is, I guess, an association of volunteers that in fact has a seat on hospital boards often and is a historic association. I'm not quite sure, actually, if

there is a participant in a hospital whether they'll actually — you cannot volunteer in a hospital without belonging to the hospital auxiliary, so I don't quite know —

Mr Kormos: People can organize themselves clandestinely. If that's what this government wants, it will create an opposition that's even more formidable. Perhaps all the better.

The Chair: Thank you very much for your presentation. We very much appreciate you coming forward today.

Mrs Pupatello: On a point of order, Mr Chairman: I just wanted, for the record, for perhaps the Chair to clarify actually that all of the comments and statements that are made by the Lieutenant Governor of Ontario are actually scripts that are handed to her and not the opinion or the text of the Lieutenant Governor herself.

The Chair: We can find out that information for you, yes.

Mrs Pupatello: That is the case. I just wanted to clarify that for the participant.

The Chair: You were clarifying it, or you were asking me to clarify it?

Mrs Pupatello: I just wanted to clarify that, actually. That isn't her text. The Lieutenant Governor wouldn't write that kind of script that she reads.

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HEART AND STROKE FOUNDATION OF ONTARIO, CORNWALL AREA OFFICE

The Chair: We would call our next presenter forward, a representative of the Heart and Stroke Foundation. If you could identify yourself for Hansard, we would greatly appreciate it. Thank you for coming.

Ms Susan Adams: Thank you for the opportunity to be here. My name is Susan Adams and I am the office manager of the local Heart and Stroke Foundation of Ontario area office. I think I should preface everything I have to say by pointing out that the opinions I'm expressing are my own opinions and based on my experience with workfare placements. They are not necessarily the opinions of the Heart and Stroke Foundation of Ontario or of the Heart and Stroke Foundation at all as a whole. So I am perhaps expressing my narrow view from my experience in my office.

Also, before I begin, I do want to point out that I've experienced some confusion and perhaps frustration in the setting up of this meeting. The first information I had was in the nature of an invitation to come and speak to the minister and representatives from the ministry, to tell them my experience and how workfare was going from the point of view of a placement site and even possibly a visit to the placement site.

Only within the last few days — and I realize that summer vacations have interfered here a little bit — did I learn that in fact this was a hearing on Bill 22. I asked for information on Bill 22 and was promptly provided with

the information that was provided to the local placement office. It wasn't the bill; it was in fact basically a perspective of what the bill was supposed to be and do. In other words, it was all the nice stuff that was supposed to be fixed by this. I had to request again to actually have a copy of not only the bill faxed to me this morning but the bill that it was set out to replace. So you'll understand that I'm experiencing some frustration and working from an agenda that has changed rapidly in the last few hours even.

Thank you to the people who did try to help me understand. My local community placement office was very helpful. They were working with the information they had. I was given to understand that this is not a usual procedure for this committee or hearing situation, that my experience was unusual.

Mrs Papatello: Can you elaborate or explain?

Ms Adams: I was told, I think by Mr Arnott's office, that there usually isn't this kind of confusion surrounding things. I'm getting the impression that it's a bit unusual to have this confusion happening, but it was confusing for me.

Mrs Papatello: This bill is unusual.

Ms Adams: I'll speak to that later.

To continue, just to give you a bit of an oversight, the Heart and Stroke Foundation has area offices all over the province. Our office serves Stormont, Dundas and Glengarry. We have three chapters and we serve them out of a very small office. We have a staff that ranges from two to about two and a third full-time placements, and some of that is contract that isn't even full-year contract.

We depend very heavily on volunteer assistance to accomplish the many, many things that need to be done at the administration level in that office. We provide administration assistance to our volunteer committees and we also make significant use in our situation of co-op placements from colleges, alternative schools and high schools. So we are able to offer, I feel, a very good placement for Ontario Works participants because we have experience in training people at times who have very little skill levels. You must understand that volunteers come to us looking for skills. We have experience with people who are unemployed and looking to set themselves up to be more employable. We have a small, intimate office setting that allows for one-on-one contact.

My experience of this program, as a not-for-profit placement, has been, on the whole, positive. However, it's quite true that not-for-profit cannot provide the spectrum of workplace experience that is required by those people who are on welfare and need to get their skill sets put together for the workplace. What we often find is that these people, at least at this point, especially given that the workplace environment has changed — we have a fragile but growing work atmosphere that's more positive for employment. What we have on welfare and what we experience is people whose lives are just not going well. They have significant barriers that prevent them from being able to acquire and hold a job. They have things going on in their lives or things going on with their health

or things going on with their families that are providing them with significant barriers. They haven't got training, and of course the access to adult education has been significantly affected lately negatively in that these people don't have as much access to adult education as they once did. It's not as available, it's not as easy for them to access.

As I said, our experience is largely positive, we find these people have a lot to contribute, but we deal with problems here. We deal with people who have transportation problems. We deal with people who have daycare problems. We deal with people who have significant mental health barriers to their doing a 9-to-5, day-after-day job. We have, in my view, anger management problems, we have manic-depressive and chronic depression problems with these people. We have even diagnosed schizophrenia with paranoid and excessive-compulsive behaviours. The most pervasive problem is paralyzing low self-esteem. So when they come into my office they're a mess. They may have taken computer courses or even worked in an office setting, but they're a mess. They often just haven't got what it takes to handle even a part-time job. They may be on the road to getting there, and we feel we help a lot of them get towards that goal, but these people would have found a job if they had had the package they needed to acquire it and keep it.

What I believe we need is not just a workfare program but an integrated approach in the community, an integrated approach involving health care. They need easy and consistent access to mental health counselling, not just, "If you're suicidal we can probably get you in next week." We need a health care approach here. They need counselling. We need a daycare approach that's consistent, available and quality. We need public transportation. It's well and good in the city centres to say, "OK, you have to work," but I come from a rural area. Believe me, it's a better place to live, at least in my opinion, but there is no public transportation. If they don't have a car they might as well be on an arctic ice floe.

We also need a workers' compensation approach that is integrated and that recognizes that some of these people need something more than welfare to bridge the gap and to offer them a space to get the counselling and so on, health care that they need, before they are pushed back into the workforce.

As for Bill 22 specifically, the only reason I can see that any union would even worry about these people is sabre-rattling. So in that sense I support the bill. OK, we don't want them unionized, but it mystifies me why in any other sense unions would even want to be involved with these people. They present a multitude of philosophical and practical problems for unions. First of all, the whole tenet of unions has been no short-term or part-time work. This flies in the face of their whole rationale for years and years. They want full-time permanent work for their members and they don't want anybody getting in the road of that. The inability alone of these people to make union dues payments on a level with the other members — it doesn't even make sense. The significant cost of griev-

ances that these people will cause their union if they're treated as full union members — listen, if you want the unions to go down, put them in there; they're going to go down.

1450

Having said all that, very small business is the logical home of these work placements, and not just for union reasons. Unions are generally not present in very small businesses. I'm talking businesses of 20 workers and less, very small business. They are the only placements that I can see that can offer these people the kind of understanding they need, because they are going to have to understand so much about what these people are bringing in baggage to their work placement.

That brings me to a third point, and that is the extension of welfare to the private sector. I have significant reservations about this initiative, both as a not-for-profit placement and as a former small business owner.

First of all, move forward with caution. That's my overall cautionary note. The tentative and fragile gains that we have made in battling unemployment this far mean that Ontario Works candidates who are there, the pool that is there at this point, who haven't found jobs yet, really need significant amounts of training, emotional support and patience, not only in terms of what they have to say about themselves and the time they take in the workplace just dealing with life but also patience in terms of their productivity and just general life skills. Whether they can even get there on time can be an issue. I'm not sure that private employers, generally speaking, have the resources to absorb that at this time.

I also would mention that it seems to me that seasonal jobs must receive very special consideration. If a workfare placement in private sector is linked to employment after the workfare placement is over, seasonal employment can cause some really significant problems. It's often where a lot of these jobs may be available, but it cannot necessarily meet the same requirements for true employment after the placement that other regular job opportunities can.

The extension to the private workplace will absolutely necessitate the bolstering of the support provided by our community placement agencies. Local municipal taxpayers cannot afford to beef up those agencies at the local taxpayer cost. We depend on these people and they're doing a good job with the resources they have at hand now for the not-for-profit placements, but private business will probably demand more. They aren't as experienced dealing with underskilled people as we are with our volunteers and our co-ops and so on.

My concern is that we will be putting a heavy demand on our local community placement agencies without giving them the resources they need to actually meet that demand and meet the expectations of the program. Without that significant support — and it shouldn't be placed on the local taxpayer, especially with the burden of amalgamations hitting them at the same time — I really feel this should be moved far more slowly. But then this government's heard that story before. Move slowly and make sure that the support is there.

Again, to reiterate, also in the other surrounding and integrated aspects — the health care, the day care, the public transportation and the understanding in terms of rural people to support their transportation needs.

Finally, as a not-for-profit agency we have significant concerns regarding extension to the private sector in that we wonder whether qualified candidates will have any interest in a not-for-profit placement if the possibility of employment is that much higher in private sector placements.

While we understand and support the intent of the program — in other words, getting these people back to work — we cannot help but predict that this will significantly reduce the number of workers in the pool that we have access to, as well as the quality of their skills and ability to actually benefit from a placement.

I thank you for the opportunity to speak to you this afternoon and I welcome any comments that you might have.

The Vice-Chair (Mr E.J. Douglas Rollins): Thanks for your presentation. We have approximately five minutes per caucus and we'll start with the official opposition.

Mrs Pupatello: Thank you so much. I can't tell you how pleased I was to hear your comments, every part of your presentation today. I just want to tell the government, you should listen to this woman, along with the balance of many others we have heard from in our travels, as expensive as they have been. What you would do, I would think, with the over \$700,000 it has cost us just for this one bill — what you and the other agencies we've heard from would do with that kind of money to really move people into communities, into real jobs. It's astonishing to think we've squandered away that kind of money in this charade.

I was really fascinated by your comments about how you came to be here. I see the kind of interference by the minister's office to somehow make this thing look as though, "We're calling you to come and talk to us about what a wonderful workplace you have for workfare," when the purpose of this bill and the hearings of this bill through the justice committee, organized through the clerk's office, which is supposed to be totally separate and apart from the propaganda machine in the minister's office. The people who have come today should have known and been told very clearly, "This is Bill 22 public hearings. This is the bill. This is its intent," instead of getting fooled by the minister's office and the political staffers to go into communities that you're spending an awful lot of money to send us to, to go searching and digging around for the 3% of all the welfare recipients in Ontario who are even touching a workfare program, because 97% are not. So you've got to go digging around to find them to begin with and then you fool them by calling them and telling them to come here and talk to us about what a wonderful place you've got.

And the purpose of these hearings is to talk about Bill 22? It's galling for me to watch this happening. This is not the first presenter who's come here completely misguided,

with a completely different set of instructions from the phone calls, who landed here. The woman who was here earlier this morning said: "I've never seen this bill. This is just one page. What did you ask me to come here about this bill for?" She actually said that this morning because she was told that she was coming here to talk about the joys of her site and her workplace for workfare. That's the kind of propaganda machine we've got operating at Queen's Park.

It wouldn't be so bad if the PC Party were paying the bill. I mean, they're the government, making all the money with their political fundraisers and all. No, this is the Ontario taxpayer. So you and I, all the New Democrats, all the Liberals, all the non-political people who pay taxes are paying for this propaganda machine — over \$700,000.

In fact, just the House debate on Bill 22 so far, at the government's estimate of \$100,000 per hour to operate the House, seven hours of debate, that's how we get to the \$700,000, which is a given because it's the government's estimate of the cost. Not to mention that my ticket alone just for this little excursion to Cornwall, just for the plane ticket from Queen's Park to Sudbury, a brief stop in Ottawa, and here — \$842. But it's not just me. Nineteen people were in Sudbury yesterday; a smaller group today. That is the kind of money that they are squandering away instead of looking at real issues.

I have to tell you I was most impressed by what you itemized as the real needs of people who have to get into the workforce. It was so familiar to me what you were telling me. It was so familiar.

Do you know who said they were taking care of those issues? This man right here, who is the parliamentary assistant who was seated at the table at the hearings, said, "That's exactly what we're doing." He said, "We're taking care of day care, transportation, all those things you talked about." This man right here said they were doing that. And here you are, in the real world in this Cornwall area, discovering that those things in fact are not happening.

But your ministry political staffers had to go scrounging around digging to find the only 3% of all of the welfare recipients who are anywhere near a placement. And yet we come and find one, and you're still not meeting the things that you said you were doing.

I want to tell you, as I just wrap up my five minutes here, that Christine Whitman is the governor of New Jersey. A few years ago their political right-wing Republicans starting doing her scripts for her, and do you know what she started saying? "Promises made, promises kept." So you fast-forward to the last budget of Ernie Eves right here in good old Ontario and read what was written for him by the political staffers here: "Promises made, promises kept."

There we were in Sudbury yesterday, spending an inordinate amount of money to go there to hear the PC candidate launch in all his diatribe — because they actually got the candidate to say, "a place to live and work and raise a family."

1500

The Vice-Chair: Sandra, you've exhausted your time.

Mrs Pupatello: That's what I got out of next year's Whitman catalogue in the Republican state of New Jersey.

Ms Adams: May I make a clarification?

The Vice-Chair: I'm sorry, that's the way the time goes.

Mr Kormos: Go ahead.

The Vice-Chair: If she wants to take it off your time, that's OK.

Ms Adams: A brief clarification point: I was never under the impression this was a bring-and-brag. I was under the original impression that I was asked to come here to make the minister and delegates aware of the true situation from the perspective of a workplace. And yet I stand behind everything else I have said.

Mr Kormos: At the end of the day, I think you've made a very valuable contribution to the process. But when were you first contacted about the committee?

Ms Adams: I've been on holidays two of the last three weeks. I have no clue. I cannot tell you off the top of my head. I would defer to Carmen Cousineau, our local placement agency director, but I think it was about three weeks ago.

Mr Kormos: You say you would defer to Carmen Cousineau. I don't understand the connection.

Ms Adams: She's the original connection. She was the original person who contacted me and asked me if I would be interested in meeting with representatives —

Mr Kormos: There's no problem with that. Her representation to you was that this was to be a meeting with the minister?

Ms Adams: Yes. I've since confirmed with her that she was working from the understanding she had at the time. That was the understanding she had been given. She was asked for names of agencies and she knew I was comfortable with public speaking and so on and would be comfortable. We've had some very successful work placements and have worked with the program very well and were one of the first placements in this community.

Mr Kormos: You say it was only today that you found out about Bill 22 as the subject matter.

Ms Adams: No. I was on holidays last week, so when I came back from holidays on Monday — although I did give Carmen my home phone number and say, "If anything changes you can call me at home" — that's when I heard it was about Bill 22.

Mr Kormos: How did you discover that?

Ms Adams: Who told me? I can't remember whether it was Carmen or Paul Berry from the clerk's office.

Mr Kormos: Did you know what Bill 22 was?

Ms Adams: Hadn't a clue.

Mr Kormos: Did you indicate that to anybody, that you didn't —

Ms Adams: Yes. "OK, tell me what it is, folks. Give me some literature." Carmen delivered immediately. She got the information, she delivered it to me. I think we were both under the impression it would include a copy of the act. It didn't. When I took it home to read it Monday night

— I did not have time at work — I found it wasn't the act. Or was it last night? Anyway, I went on the Net to try to get some information from that. I'm not a really comfortable Net user and could not pull up Bill 22 or the Ontario Works Act, which I also wanted to see. I never did actually receive the Ontario Works Act.

Mr Kormos: Bill 142.

Ms Adams: And Marsha someone, I think it was Marsha, called this morning to confirm my time — which was changed a couple of times even since getting here — and said, "OK, are you ready to go?" I said, "Yes, but I'd really like to see Bill 22." She faxed that to me at least.

Mr Kormos: Ms Papatello already referred to a participant this morning who narrated a similar fact situation to yours. Yesterday up in Sudbury, fair enough, we had the Tory candidate in the by-election up there, but then we had two small business people, both of them very competent and entitled to views which very much conflicted with mine, or mine with theirs. But one of them, Mr Kennedy, talked about how he was supposed to have received some information, a package of materials, but it never got to him.

He was a little, dare I characterize it as "miffed" about it. He didn't want to say who. I thought maybe it was the Liberal member up there, Mr Rick Bartolucci. I thought maybe his office had been asked for it. Maybe it was Shelley Martel's office that had been asked to forward it. I thought: "Uh-oh, where angels fear to tread. Don't ask because he's going to say, 'I called Rick Bartolucci's office,' or, 'I called Shelley Martel's office.'" But it was neither of those offices that were requested of it.

Ms Adams: I was told I would receive information and contact from Noble Villeneuve's office. To the best of my knowledge — and again, the interference of holidays is always there — I did not receive anything from Noble Villeneuve's office.

Mrs Papatello: Can I ask where you live?

Ms Adams: Where I live or where I work?

Mrs Papatello: Where do you live?

Ms Adams: I live near Chesterville. I live right out in God's country.

Mrs Papatello: Whose riding would that be?

Ms Adams: Noble Villeneuve.

Mr Kormos: Noble's riding.

The Chair: Thank you very much. We now move to the government members.

Mr Klees: First of all, let me apologize to you for any confusion that there may have been around your invitation to be here. I can assure you that our interest is simply hearing from people who have first-hand experience with Ontario Works.

This bill, while focused on one particular aspect of Ontario Works, elicits a great deal of discussion about the Ontario Works program generally. If you have been following or care to look at Hansard on the discussion relating to this bill, you will see that neither Ms Papatello nor Mr Kormos keep themselves to the discussion of the narrow piece of legislation that's before us; rather, 99.9% of their discussion relates to other matters and to a large

degree it's an attempt to annihilate the good intent of the Ontario Works program.

Mrs Papatello: Don't impute motive on my part. That's inappropriate.

Mr Klees: So for you to be here and share with us your first-hand experience —

Mrs Papatello: Chair, I would ask you to rule on that. That is inappropriate language. There's not one thing that either Mr Kormos or myself have said that would impute motive on the part of any individual and I don't think that I would be subjected to the same from the parliamentary assistant who is acting on behalf of the minister today.

Mr Klees: In the interests of time, Chair, I'll withdraw that.

Mr Kormos: Chair, if I may, I've never imputed motive at all. I've stated it outright.

The Chair: Thank you. The member has withdrawn.

Mr Klees: I'm happy to withdraw in the interests of getting on. I think that what is important is that you've come. You've shared your experience and that is welcome.

Mrs Papatello went into somewhat of a rage, as you observed, and leveraged from your comments about the reference to things like transportation and day care. I'm happy to hear from you on that. We have members of staff here observing these proceedings. An integral part of the Ontario Works program is to provide transportation, so if someone has a community participation opportunity, there is funding within the program and the policy design of the program is to provide transportation. It is also to provide day care. No one would be asked to participate in a community participation opportunity without also providing the appropriate day care support.

If you're finding there is a shortcoming there, I would be pleased to hear from you and I'm sure that even following this meeting, if you would care to, I will introduce you to staff and we should talk about that. That also is an opportunity and one of the purposes, quite frankly, of having public hearings, because we can get that kind of very practical input from people who are experiencing the difficulties. We'll deal with that because we want to underscore, not only for you but for other people in this province, that this program is intended to address those barriers that people are experiencing in their lives to keep them from moving on to getting a job.

1510

You rightfully talk about transportation, day care, training, skills training and so on. That is all very much part of the Ontario Works program. You make reference to the fact that many of the people you meet who are referred to you have difficulties in their lives and couldn't maintain a 9-to-5 job because there are difficulties. That again is what this program is all about. It's recognizing that everyone is at a different stage in their life. Some people just have to be given an opportunity to gain some self-confidence and, as you say, to learn to show up. Some people, because of circumstances in their lives, have lost that.

For an organization to come forward and offer to take a community placement for two hours, three hours, five hours a day, maximum 70 hours a month, that is the partnership, if you will, that makes Ontario Works what it is. It's a matter of ensuring that people have an opportunity to move back into that kind of face-to-face contact with people in their community, because many people have lost the self-esteem, the self-confidence to which you refer.

Ms Adams: Mr Chair, on a point of clarification, if I may: My concerns regarding day care and transportation are not so much directed to the time of placement, the duration of placement under Ontario Works. I haven't experienced great difficulties in that regard. Mind you, I only get people who have access to public transportation. Nobody's coming in from the counties to work with me. My expression of concern there is directed to making that next progressive step to employment and what happens with the day care and transportation needs as they roll off the end of the Ontario Works placement and roll into part-time or full-time employment. I think that's where I'm asking that.

In order to make Ontario Works do the job it needs to do, there has to be an extension of attention to day care and transportation, but more importantly than that, if you want to pick one of the three, pick health care. I have had to have the "seek help" conversation with some of my placements. They need counselling, significant and extensive and well-trained counselling that I cannot do for them.

I am constantly in a situation of asking myself, because I'm being paid to do the job I'm doing and to see that the work gets done: "Can I afford to keep this person? Can the Heart and Stroke Foundation afford to pay me to keep this person working here or have they come to the point where they're not producing enough work to justify the time I'm spending keeping them working at it?" That's callous and you often find yourself asking if you need to dismiss someone to whom that would be a devastating blow and who really isn't doing anything wrong except trying to cope with a very shattered life.

Mr Klees: Thank you very much for that clarification.

Ms Adams: Thank you again for the opportunity to speak with you. I appreciate the opportunity, as confusing as it has been. I hope that all the best comes out of the work of this committee.

Mr Kormos: On a point of order, Chair.

The Chair: Just prior to your point of order, Mr Kormos, I'd like to let the members know that in regard to the amendments for the August 19 sitting, which takes place at 1 o'clock, if we could have any amendments submitted to the clerk by 10 am of that day, that would give him enough time for distribution of the information.

Your point of order, Mr Kormos.

Mr Kormos: We heard today from Ms Adams, who just left — didn't leave the committee room but left her seat here — and Ms Laperrière this morning. Both of them, I say, were incredibly candid, straight as an arrow, thoroughly unimpeachable, thoroughly honest and with no ulterior motive or secondary motive in appearing here and

in what they said, and I respect their views. However, I tell you, Chair, I find what they had to say about the manner in which they got here somewhat troubling. Ms Laperrière wasn't questioned, quite frankly, to the same extent that Ms Adams was about the manner in which she got here.

The Chair: Your point of order is?

Mr Kormos: Yes, sir, please. I'm going to be as brief as I can, but I'm deadly serious, because I'm extremely concerned about what may have happened here. I want to be very careful in saying "may have happened." I say to you it's tantamount to — it's not the same as but tantamount to — a British Columbia politician who wrote letters to the editor under a nom de plume, and the interference with process that that was obviously demonstrative of.

I link this with the suggestion yesterday — and again, we didn't have as much information yesterday in Sudbury as we have here today. Mr Kennedy, however, gave the clear impression — he was the second business person, remember, the carpenter, who gave evidence, if you will — not evidence, but he spoke to the committee. He spoke about not having received a package. I made reference to that in my comments regarding Ms Adams.

I can't say this about Sudbury, because we didn't ask the right questions of either Mr Kennedy or Mr Niro, the other small businessman, the tavern owner. But after today it appears that certainly in the case of Cornwall — and again, I don't dispute the right of Ms Adams or Ms Laperrière to appear here. I don't agree with everything they had to say, but they said it with great candour and I don't dispute their right to be here. What I find of concern, and this is perhaps the crux of it, is that Ms Adams indicated that she was contacted by one Carmen Cousineau, whom she identified, if I recorded it correctly, as the head of the community placement service. Therefore, Ms Cousineau is part of the delivery process. I don't know who she is; I don't know who she works for. At some point, one way or another, she's being employed by the government, either on contract or through a local MCCS office, but as a delivery agent. It appears to me that somebody somewhere has been utilizing the civil service for very partisan purposes.

I ask you to reflect on some of the rulings that the Speaker in the House has had to make with respect to very similar and parallel situations. It appears that Ms Cousineau has done nothing wrong. I want to make that quite clear. I don't want to in any way indict her or suggest that she has done anything improper. But it appears that political people have prevailed in this instance upon Ms Cousineau to produce people who could speak about their workfare experience when this isn't even a workfare bill. It's Bill 22; it's the anti-unionization bill.

This is consistent with Mr Carroll's motion yesterday, which he withdrew, that we visit workfare sites, with Mr Klees's motion today, with Mr Klees's lunchtime meeting with local providers of the service. Again, I don't dispute Mr Klees's right to do that, but I do tell you this: Mr

Cleary was at that lunch, he tells me, as he appropriately was. He's the local member; he has been active and involved in supervising it. It appears that Cornwall has a distinctively different experience with workfare than most places in Ontario. Among other things, there's a higher degree of volunteerism. I just want to mention that. I also found it interesting that Mr Klees wanted to do his photo op, and Mr Cleary, the local member, who's accountable to and responsible for his community, was left sitting aside.

What I'm speaking of is political interference with the civil service here. I think a very serious problem has arisen about the use in this case of Ms Cousineau by somebody somewhere to put a political spin and in fact obfuscation of the real issue, which is Bill 22. For them to be told this is about workfare and they'd be meeting with the minister and just some sort of committee was a less than candid, less than forthright representation. I don't think it came from the clerk's office. The clerk's office doesn't do that. It's not their function, it's not their job, and I don't believe they did it. I believe it came from somewhere else.

I believe, Chair, that this warrants an investigation by you as the Chair into what has happened here. My fear is that there has been an abuse by the government of its power, implicitly and explicitly, over in this case Ms Cousineau, and that they are abusing the process within this committee.

Mr Klees: I'll speak to this very briefly, Chair, and I'll leave it to you. Let me say, first of all, that Mr Kormos is drawing some conclusions that are not necessarily anywhere near the mark.

With regard to invitations that may or may not have been extended by anyone employed by the government either directly or indirectly, quite frankly, we did have a meeting at noon today, to which I invited Mr Kormos and Ms Papatello, who both refused to come, to meet with a local committee of individuals who were involved in the Ontario Works program. I extended that invitation to Mr Cleary, who was kind enough to attend.

Yes, we had asked staff, as I do as a parliamentary assistant with responsibility for Ontario Works, to gather together today a number of people who could provide us with insight into the Ontario Works program. The fact that we have a committee hearing here to which an individual — the witness indicated herself that she wasn't sure of the circumstances or the timing because she had been on holiday. The fact that the detailed package relating to the meeting that was taking place may not have been as succinct as it could have been or did or did not include a copy of the act — and I don't know, Chair. I don't believe that any witness to this committee ever has received a copy of the act from the clerk or someone who has been invited. I don't know that that has ever been procedure. Maybe it should be but it certainly hasn't been, and it in no way affects whether the appropriate process has been taken here.

Whether Mr Kormos believes that Bill 22 has anything to do with workfare or not is quite irrelevant and it's probably most indicative of how he views the world. For him to come here and say that Bill 22 has nothing to do with workfare shows that he too is in some other world and some other universe; in fact it's at the heart of it. Surely it's most appropriate —

Mr Kormos: What did you sell before you got elected, Frank?

Mr Klees: I let you finish.

The Chair: Order.

Mr Klees: It's most appropriate —

Mr Kormos: Was it the Home Shopping Channel?

The Chair: Order.

Mr Klees: It's most appropriate for witnesses to be asked to come forward to speak to the issues of Ontario Works because they directly affect Bill 22.

I leave it with you, Chair. I think Mr Kormos is on the wrong stuff here and is fishing and he's going to catch himself if he's not careful.

The Chair: I will report back at the beginning of next week's hearings. That recesses today's hearings until Monday of next week.

The committee adjourned at 1522.

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STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

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Committees

Standing Committee on Administration of Justice

2nd InterSession, 36th Parliament
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Wednesday 12 August 1998

Prevention of Unionization Act (Ontario Works), 1998, Bill 22, *Mrs Ecker* / **Loi de 1998 visant à empêcher la syndicalisation (programme Ontario au travail), projet de loi 22, *M^{me} Ecker***

Kingston Action Network; Kingston and District Labour Council

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The committee met at 1014 in the Best Western Parkway Inn and Conference Centre, Cornwall.

PREVENTION OF UNIONIZATION ACT (ONTARIO WORKS), 1998**LOI DE 1998 VISANT À EMPÊCHER LA SYNDICALISATION (PROGRAMME ONTARIO AU TRAVAIL)**

Consideration of Bill 22, An Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act, 1997 / Projet de loi 22, Loi visant à empêcher la syndicalisation en ce qui concerne la participation communautaire visée par la Loi de 1997 sur le programme Ontario au travail.

The Chair (Mr Jerry Ouellette): I will call this meeting of the standing committee on administration of justice to order to discuss Bill 22.

Mr Frank Klees (York-Mackenzie): Mr Chairman, I have a motion that I'd like to -

The Chair: Ms Pupatello.

Mrs Sandra Pupatello (Windsor-Sandwich): Thank you, Chair. I'd like to put forward a motion, please. My motion is to move to cancel further public hearings on Bill 22 given that we have realized since yesterday that they are a complete waste of time.

The government members have indicated they are not prepared to change one word, phrase or sentence of this one-page bill, which has already cost the taxpayers \$700,000. It is simply the result of government members sleeping through the section 73 clause last fall during the clause-by-clause passage of Bill 142. This one-page bill is receiving more in public hearings than the original Bill 142, which was over 300 pages. This bill is simply a rewrite of section 73 of Bill 142, which has been politicized to use government money instead of the PC Party money to unfairly slam labour groups in Ontario and propagandize workfare, which is the single largest failure of the Harris government. This Sleeping Beauty bill has cost Ontario taxpayers hundreds of thousands of dollars, money that should be repaid to the government by the PC Party.

The Chair: Further discussion?

Mrs Pupatello: Can I debate this now? Do I have the floor?

The Chair: Yes.

Mrs Pupatello: I'd like to put this motion forward because, as we realized yesterday, those of us who were in Sudbury, all of us were very concerned to see that we are spending an inordinate amount of time and money to traipse this committee around Ontario when, as was displayed yesterday with those who presented to us and the response we got from government members to those who were presenting, we found the presenters subjected to being patronized, practically ridiculed. There was no respect shown to those who were presenting. They obviously had a different point of view from the government members.

We see this as fairly offensive to those who take the time to come and volunteer before the committee to give their opinions.

In those responses given by government members, it's obvious that they see this as just one more way to take government money instead of Progressive Conservative Party money to propagandize workfare as a program that actually works, when in fact 97% of welfare recipients are not in supposed workfare. Unfortunately the public is being led to believe that workfare is working when in fact it is not. The lion's share of the program is carrying on in the ways that it always has.

We saw evidence yesterday from the parliamentary assistant who was there to again use the committee to go traipsing around for potential photo ops in different communities. We are opposed to that. We're opposed to using these people as some kind of publicity stunt for the PC Party. If they choose to do so, they are completely entitled to do that, but they ought to use the funds of the PC Party. From the reports we're seeing, you don't have a money problem in your party so you ought to spend your money propagandizing on your own.

But when we get to committee and we see that you're spending the Ontario government's money just to propagandize, slam labour, give the impression to the public that labour groups all of a sudden are the cause of the failure of workfare, instead of taking responsibility for a failed program due to policies that cannot be written on the back of a napkin, such as workfare was written, that in fact is the cause of the failure of workfare.

To that end, I hope the government members, who purport to be those who want to save taxpayers' money, stop the charade before it continues. We have two more cities, supposedly, to travel to, and back to Toronto for clause-by-clause. You've spent an inordinate amount of money already. We had 19 people come from Queen's Park via airlines to Sudbury yesterday, on to Ottawa, back to Cornwall, to spend part of the day today.

I don't want to see the people here being patronized. We're prepared certainly to listen to those who truly want to present to us, not to be subjected to what they were subjected to yesterday. So I would ask for those government members especially to be very supportive of this motion and, frankly, to look within their own party for money to spend on propaganda.

The Chair: Further debate?

1020

Mr Peter Kormos (Welland-Thorold): I'm going to be speaking in support of the motion. If the Chair wants to solicit a contra view prior to that, obviously that's the Chair's prerogative.

Interjection.

Mr Kormos: Thank you.

I've got a whole bunch of considerations here. Let's take a look at how meaningful this process is when Bill 22 - which is, as Ms Papatello has characterized it effectively, a cleanup bill. It's because the government members screwed up big time during the course of committee hearings and what was supposed to be section 73 was not passed but rather was defeated.

But in fact Bill 22 goes far beyond that. Bill 22, a one-pager, very clearly says that people who are workfare participants in so-called community placement are not entitled, notwithstanding what the Charter of Rights and Freedoms says and notwithstanding what precedent has been in free and democratic societies for hopefully at least decades, to freedom of association. They are not entitled to join a union, which also means an association.

You know full well, Chair, the bugaboo about Ms Ecker when she appeared before the committee to introduce this bill and talked about the intimidating labour leaders. She may feel intimidated by them. Quite frankly, when push comes to shove, I'd rather stand shoulder to shoulder with the Sid Ryans, the

Earl Manners, the Buzz Hargroves or the Leah Casselmans of this province than I would with the Janet Eckers of this province or, quite frankly, any of her parliamentary assistants.

But please note that this bill not only means that a workfare participant can't join, let's say, the Canadian Union of Public Employees or OPSEU, but that they also couldn't even form an organization like the association of workfare participants. That is the most crass, vulgar, blatant and violent attack on a deeply rooted democratic right, the right of freedom of association.

The bill goes on in the same section to say nor can they collectively bargain, nor can they strike. Interesting point raised yesterday in Sudbury: "What's the problem, guys? If we as workfare community participants are not going to be taking over any other workers' jobs" - which is what I believe workfare is all about. That's been the American experience and this is modelled on the American experience, tens of thousands of New York City municipal workers displaced, their jobs eliminated, replaced by so-called workfare non-voluntary participants, compulsory participants.

But the wonderful point was made yesterday, "If we're not taking any real job away from a worker, what do you care?" Because too, every worker who goes on strike knows that they don't get paid. They understand that. Workfare participants, were they to collectively bargain and determine strike action, know that they wouldn't be collecting the entitlement which workfare supposedly entitles them to.

So what's the government's beef? I can't figure it out. The point was made so critically and acutely yesterday in Sudbury by the last presenter. We're being bamboozled here. There's no two ways about it.

Look, the PAs are playing tag team. Who's going to carry the message forward? Mr Carroll was in Sudbury yesterday, Mr Klees is here today. Mr Klees may well respond by assuring us that he'll read the transcript of yesterday's proceedings, but you and I both know that Mr Klees is incapable of obtaining a copy of that transcript because Hansard is so short-handed that it takes them longer and longer to get around to - you thought I was going to say something else, didn't you, Chair? I set you up a little bit. I saw the body language. You figured there was going to be a personality attack against Mr Klees's intellect, that I was going to accuse him of being stupid or illiterate, and I didn't. I said Mr Klees is incapable of obtaining a copy of the Hansard of yesterday's proceedings because of the backlog that Hansard has and the short staffing and the incredible pressures that your government has put them under.

One wonders if this is a show trial that makes -

Mrs Pupatello: Government funded.

Mr Kormos: It's a show trial. I mean this is Stalinesque in its show trial quality. Well, it is. It's putting on a show to the public: "We're having committee hearings." Oh, give me a break.

Mr Parker titters. Mr Parker wasn't there yesterday either.

Mr John L. Parker (York East): Mr Kormos, who's putting on the show?

Mr Kormos: How can you have effective input from committee members as a result of hearing participants by way of witnesses, when they keep switching around? Ms Pupatello has been here from day one. I've been here from day one.

Mr Klees: What about Mr Cleary?

Mr Kormos: Mr Cleary is here visiting, as he's entitled to, as Ms Martel did. We're in his riding. But the government members are tag-teaming. There's no consistency here. So we are very suspicious about any real serious intent on their part to listen to what's been put to them.

I'm from Welland down in the Niagara region and I'm pleased to be here in eastern Ontario. But let me tell you the state of things with your government and its members. I've got a copy of the front page of the Welland Tribune. The mayor of Port Colborne -

The Chair: We would wish you to speak to the motion.

Mr Kormos: Quite right. The mayor of Port Colborne, Vance Badawey, wants to give your colleague Bart Maves, the Tory member for Niagara Falls, a spanking. That's what things have deteriorated to. "Bart Maves should be taken out and given a spanking," says Vance Badawey, the mayor of Port Colborne.

The Chair: How does that relate to Bill 22?

Mr Kormos: Vance Badawey, the mayor of Port Colborne, says that Bart Maves, your colleague the parliamentary assistant for the Ministry of Labour, pulled a political stunt on the heads of constituents in the region.

The Chair: I don't believe this relates to Bill 22 or the motion at all.

Mr Kormos: This government is pulling a political stunt on all of the well-meaning participants in these hearings, people who come here and try to speak logically and analytically about how silly Bill 22 is, how undemocratic it is and how there must be some sort of ulterior motive.

Bill 22 is getting more hearing time than Bill 142 did, the Ontario Works bill and its companion piece. How many pages long was that?

Mrs Papatello: Over 300.

Mr Kormos: That was over 300 pages long. That was a complete turning on its head of the welfare system. Bill 142 received less public hearing time than Bill 22 is receiving.

Bill 22 has been used to attack democratically elected labour leaders in the province and to attack the trade union and labour movement. It's been used to attack the poorest people in our communities, inevitably because of the nature of who's poor, the elderly and women, and Bill 22 also is being used because you know that the only reason this committee - this is the justice committee. This isn't the committee that considered Bill 142, the workfare bill. This isn't the committee that should be considering Bill 22. This is the justice committee.

The only reason Bill 22 is before this committee was because we had brought a notice to require the committee to consider and investigate the involvement of Premier Mike Harris, his office and others into the assassination of Dudley George at Ipperwash park over two years ago now. The only reason this committee was given Bill 22 and the only reason it was given so many hearing days - not by agreement of House leaders but by a closure motion brought in the Parliament to shut down debate on Bill 22 and to preclude this committee from utilizing its power under the standing orders to investigate Premier Mike Harris's involvement and his office's involvement in the assassination of Dudley George at Ipperwash. That's why the bill is here: because it knocks out our as-of-right hearing because it finally put some business or a government agenda before the committee. That's the only reason this bill is here.

The bill, at the very least the right to free association, the right to join a union, is going to be struck down by the courts. I'm confident of it. And tell me about your government's track record in the courts. You haven't done too well so far, have you, Chair?

1030

The Chair: It's not my job to report on the actions of the courts.

Mr Kormos: You haven't done too well so far. You have acquired a litany, a history, of brutal defeats in our courts, and you persist in spending taxpayers' dollars in defending the government's undemocratic action time after time after time, be it Bill 160, be it the pay equity issue, Bill 26 etc. It's a scam.

Once again, the Welland Tribune this morning - I'm grateful to my staff for faxing it up to me, and I know you appreciate as well that I can refer to local events while I'm out of town. But the regional

municipality of Niagara notes that when the province downloaded child care on to the region, they didn't include the administrative costs in the funding formula, so Niagara region was looking at new taxes of at least \$200,000 to cover the administrative costs of the downloaded child care - another mere oversight.

I'm supporting Mrs Pupatello's motion. I think it's illustrative of the fact that we're prepared to listen to people, and we have.

Yesterday the parliamentary assistant brought a silly motion to visit workfare sites, and he finally withdrew it, not even putting it to a vote. When Mrs Pupatello refers to the desire for photo ops, we invited him then - because we heard later during the day that in the one workfare activity in Sudbury, the reforestation one which displaced real workers with real jobs, one of the complaints they have been making is they don't even have toilet facilities, washroom facilities. Do you understand what that's like, to not be able to use a toilet to relieve yourself during the course of an eight-hour day? That was raised in front of the parliamentary assistant yesterday. He was invited to make a commitment. The opposition members of the committee invited him to make a commitment to ensure that was rectified. That would have demonstrated some sort of response to what he heard during committee. He refused, declined, failed, neglected to make that commitment, as much as brushed it away.

I'm supporting Mrs Pupatello's motion for all of the reasons I have stated and for a whole lot more that I don't have time to state because your government imposed gag orders on debate in committee as well as in the Legislature.

Mr R. Gary Stewart (Peterborough): I wasn't going to make a comment on this, but I feel obligated to do so with the comments I have heard from the last two speakers of what went on in Sudbury yesterday. I take great exception to words like the presenters were being "ridiculed." They were not being ridiculed. They were not being intimidated. They were being listened to.

Mr Kormos: You heckled them.

Mr Stewart: When somebody comes up and grandstands in front of people who are here today, legitimately coming to make comments, and makes comments that they were ridiculed it's absolutely ridiculous.

Certainly people who come today, as well as in future hearings - I take great pride in these hearings, and I probably have served more on committees over the last three years than anybody has, because I like to get out and hear the people. For some people who don't show in certain areas and who don't listen to certain people -

Mr Kormos: You're silly, Mr Stewart.

Mr Stewart: Please don't laugh, because if you want to compare attendance, Mr Kormos, we'll compare.

I guess what concerns me is the type of comments that were made in front of people who I believe have come here very legitimately to make presentations. There were some comments regarding the project in Sudbury. The project in Sudbury did not replace real workers in any way whatsoever. What we were trying to suggest to many of the people, and I would suggest to many of the people in this room, is to go out and talk to some of these people who are on workfare. If you would like to come to my riding, I will take you and let you talk to people who are very supportive, who finally are being helped to maybe get off the system. I think they have a great deal of pride.

Mr Kormos: Talk to the expectant mothers who have had their pregnancy allowance taken away.

Mr Stewart: I'm going to wait with bated breath, and I say that very honestly, for the report from Hansard yesterday, for a couple of comments that were made by Mrs Pupatello regarding names that she suggested people on workfare wear. I asked to find out if Hansard was done today; it was not. I'm looking forward to that, because if there was anybody who was being ridiculed, it was done by the other people. So again, I take great exception.

Instead of trying to embarrass these people and intimidate those who genuinely want to get on this workfare program, We should be complimenting them and working with them to hopefully assist them in any way possible to get off the system, because they want to be. They've got some pride. But when we embarrass these people, whether it be those who are from special interest groups or indeed people who are totally against this program, I take very great exception to that, and that is exactly what has happened. It's a good program; it's a program that will develop if we finally all work together on it. Under no circumstances do I accept what was said this morning, and under no circumstances would I support this amendment.

Mr Kormos: Motion.

Mr Stewart: Whatever it is.

Mr E.J. Douglas Rollins (Quinte): Mr Chair, to hurry this along - we've got presenters here - can we call the question on this now?

The Chair: There are no others on the list. I will call the question.

Mr Kormos: Recorded vote.

Ayes

Cleary, Kormos, Papatello.

Nays

Boushy, Klees, Parker, Rollins, Stewart.

The Chair: I declare the motion defeated.

Mr Klees, you're next on the list.

Mr Klees: I'm sorry I missed the proceedings yesterday. Had I been here, I certainly would have enjoyed participating in the discussion.

On the motion put forward by my colleague Mr Carroll, the fact that I wasn't there - I'm not privy to all of the discussion, as Mr Kormos said. I don't have access to Hansard to have seen for myself, but I can tell you that particularly in light of Ms Papatello's comments this morning, as well as Mr Kormos's comments, I am bound to bring a motion before this committee, because it's clear to me that neither Ms Papatello nor Mr Kormos understands the Ontario Works program. I believe it would benefit them greatly if they had the opportunity to observe at first hand what takes place on an Ontario Works project, what Ontario Works participants in community placement do, what the benefits are to them, and to hear from them personally how it is benefiting them.

I move the following motion:

That the committee take the opportunity to visit Ontario Works sites in the cities where hearings are conducted for the purpose of observing first hand how the program is being implemented and to hear first hand from participants in the program; that these visits be coordinated, wherever possible, with lunch hours or time slots not scheduled for deputations; and that these visits be coordinated so as to minimize costs.

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Mr Kormos: I am opposed to that motion, and I'm going to tell you why, succinctly, in view of the fact that, again, the rules have been changed. Your government doesn't want opposition members speaking in the House, doesn't want opposition members speaking in committee. Your government rammed through the rule changes just like it's going to ram through Bill 22.

Mr Klees's motion is virtually identical to that of Mr Carroll yesterday. The issue, you see, is not whether or not retraining, adult education, adequate child support, counselling and assistance are effective in helping people get out of poverty and into a position of economic equity. It's whether or not the real jobs are there, whether or not there are real and meaningful, permanent, career-style jobs available to people to pursue.

The fact is that down in Niagara region - Mr Cleary may be able to help us in terms of unemployment levels here in eastern Ontario, but down in Niagara region we're struggling with in the area of 10% unemployment. Mr Cleary indicates that that's about it here as well. Yesterday we heard in Sudbury that the north endures at least 10% unemployment, and when we talk 10%, we know that among young people it's probably double that.

The fact is that there aren't the jobs there. We've heard a lot of, quite frankly, poppycock about the nature of the system, as the Tories have attacked the social assistance system here in the province. The fact is that adult education is non-existent in increasing numbers of communities because of the defunding by this government. Yes, adult education was one of the ways for people to get back into the workforce when they, for whatever reason, and again particularly - take note, Chair. Who were the primary participants in adult education? Once again, women. It was as likely as not women who were required to terminate their education without achieving a GED, never mind anything beyond that, because of the responsibilities of child rearing, child care, among other things.

Heck, Mr Klees, why don't we go talk to the 80 workers down at Fleet manufacturing in Fort Erie who are going to lose their jobs permanently? Why don't we go talk to the 307 GM workers in Oshawa who are going to lose their jobs permanently? Why don't we talk to the people who used to work at Mott's that made the clamato juice? Quite frankly, we shouldn't be drinking Mott's any more, and we don't, but President's Choice clamato juice. We're boycotting Mott's because Mott's pulled out of Mike Harris's Ontario, leaving those workers in St Catharines stranded and dry. Why don't we go talk to the hundreds of GM workers in St Catharines who now find themselves laid off with no likelihood of return to work, with seniority of 12 and 13 and up to 14 years' employment? Why don't we go talk to the women who had their modest allowance of \$30-plus a month during pregnancy so that they could supplement their nutritional intake denied to them by this government?

Why don't you come with me to soup kitchens and food banks across this province and talk to the folks who are forced to utilize those, not willingly, not because they want to, not because they think they deserve it, but because, by God, the prospect of a kid going to bed hungry is just too intolerable for that parent or those parents?

Why don't we go talk to the people who one moment thought that they were going to do well and that their careers were going to carry on, careers in, let's say - why don't we talk to some of those community college graduates from the social services programs or the teaching assistant programs or the child ed programs who now find their positions terminated because of this government's cutbacks in educational funding and who thought they were doing all the right things, who went to community college, often as not part-time instead of full-time, and struggling, maybe taking care of kids, who figured that, by God, they were doing the right thing. Yet those are the people who find themselves on welfare, on social assistance.

Why don't we go talk to the mothers on social assistance who are now being scammed out of their child tax credit provided by the federal government because it's being deducted from their social assistance, and talk to them about how this government has created a culture of the deserving poor versus the so-called undeserving poor?

There was a time when a social services department had enough case workers who had enough resources available to them in the community that they could work on a one-to-one basis with recipients of social assistance, where they could help steer those people and assist them with getting child care so that they could go to adult education classes and upgrade themselves, so that they could assist them in steering them to other resources in the community, any number of which could be related to job availability.

Why don't you want to talk about an economy and governments that are committed to maintaining high levels of unemployment? You know it. You know full well what happened in the fall of last year when unemployment stood a chance of dropping below 9%, I think it was, in this country. The Bank of Canada immediately raised interest rates. God forbid that unemployment should drop below 9%. It's a very specific policy of maintaining high levels of unemployment. Why don't we talk about that policy, a policy of maintaining high employment but a policy of driving wages down? You and your government have committed yourselves to effectively reducing the minimum wage.

The Chair: And this comes back to the motion?

Mr Kormos: You bet your boots.

Interjection.

Mr Kormos: Mr Klees wants to talk about people whom we should be visiting and talking to. I'm making a list here of alternatives, because I've talked to poor people, and not just poor who are unemployed but increasing numbers of people who are working, because your government has a perspective on jobs that's one of McJobs or jobettes, of lower and lower wage jobs, of telling people: "This is as good as it gets. Be happy, be grateful, be thankful." You see, that's what maintaining high levels of unemployment is all about, so that people will be competing more and more for lower and lower wage jobs. That's what it's all about.

Why don't we talk about the fact that two of your colleagues in the course of this government have brought in, in one instance, a private member's bill and, in the other instance, a resolution, both of them seeking to abolish the Rand formula. Because you know that the courts of this country will never tolerate legislation that would forbid membership in a union or an association. You also know, or you ought to, that the abolition of the Rand formula will effectively do, going in the back door, what the courts will preclude you from doing by going in the front door.

Nobody's doubting for a minute the fact that meaningful - and quite frankly all of us have always supported participation in job training on a voluntary basis. We've always supported that. There's never been anything but total support for voluntary participation in any number of types of work placements. There's never been anything but total support for that.

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You know that the purpose of Bill 22 is because workfare hasn't been working in its present state. You haven't had enough so-called hosts. You fudged the numbers. You won't talk about how many people are actually doing the so-called community participation because everybody who's on Ontario Works is a workfare participant. They are either required to do job searches or seek educational upgrading, which isn't available to them. If it is available to them, the child care isn't available to them. If both are available to them, the allowances that you've reduced them to make it financially impossible to do it.

Your talk about Ontario still being higher than the average of all of Canada is fine, that type of rhetoric. Let's go talk, to see what it means to live on those sorts of incomes, to a family with children. I don't care whether it's in Toronto or whether it's here in the Cornwall area. Quite frankly, there may be lower housing costs, as there are in Niagara, compared to Toronto, but then there are higher costs when it comes to things like transportation because small-town Ontario doesn't have well-developed public transit systems. It's six of one, half a dozen of the other.

I'm no more enthusiastic about your motion than I was about Mr Carroll's. I've seen and talked to people who have been involved and I know there are critics of so-called workfare and there were those who - whether they're actors or real people, we don't know, but you featured them in your ads. Remember those ads that were revealed when we were in leaky London? Leaky London. We were down in the basement of that leaky hotel because the water pipes burst. It was the sewage pipe, which is most appropriate, in view of the crap that was being put forward by the parliamentary assistant for Ms Ecker. It was very symbolic.

But the \$800,000 ad campaign showing smiling workfare participants, and whether they were actors and actresses or not, I don't know. I do know that Stalin used to distribute photos of happy little collective farm workers. You're not old enough to remember that stuff but I certainly do, the stuff the Soviets used to publish, the happy little kerchiefed collective farm workers. That's what your ads reminded me of. "Smile, be happy." Whether they were actors and actresses or real participants, who knows?

I have no doubt, we all agree, that training programs have validity and a role. But you don't want to and you never have from day one wanted to discuss the most fundamental issue, and that is that there are no jobs. You and your government can talk about creating 100,000 or 200,000 or 300,000, but the fact is that unemployment in this province has barely budged in the three years that Mike Harris has taken power and that the new jobs have tended to be part time and temporary - that's what StatsCan tells us - and the jobs that are lost were the career jobs and the ones with decent incomes.

Let's talk to Dudley George's family, because that's the real reason why we're having this many days of hearings on Bill 22. Let's go to Ipperwash, where this committee should have been, had it not been for the phoniness of the closure motion which displaced our bid to have the Premier's role and the office of the Premier's role in the killing, the murder, the assassination of Dudley George investigated. Let's go to Ipperwash. That's where we should be. You want to visit a site? Let's visit Ipperwash. Let's talk to some of the aboriginal people, some of the native Canadians who were in Ipperwash park, their land, which the federal government has finally acknowledged but the province still wants to hold its cards close to its chest.

I'm not going to support your motion, Mr Klees, with no apologies to you.

The Chair: Thank you, Mr Kormos. Mrs Papatello.

Mrs Papatello: I think he was ahead of me.

The Chair: No, he wasn't, but I could put Mr Cleary ahead of you, should you like. Mr Cleary.

Mr John C. Cleary (Cornwall): First of all, I would like to welcome each of you to Cornwall. It's my understanding that your photo op for noon is already set up, the information I have, on visiting some of the sites or people who are participating.

I just have one thing I would like to say. I would have liked to see some of the government members here earlier in the week when the restructuring commission was in Cornwall, especially when the Premier said in the 1995 election campaign that it was not his plan to close any hospitals.

There's a lot to talk about in this community in health care and education and municipal restructuring. I just wonder how workfare will play there, and all this issue that goes with it. There's lots to talk about in the community, what's happened here this week. I get kind of upset at promises that were made and promises that weren't kept. I'll stop there.

Mrs Papatello: I would like to refer to the Standard-Freeholder, today's newspaper, for Cornwall. It gives in detail some of the public response to the hospital restructuring decision. That is a very valid topic for MPPs from the government side, who of course were part and parcel of the creation of the hospital closing commission to begin with. That is the kind of site visit that the Cornwall people would like to see you do at your lunch hour.

To have the parliamentary assistant come here this morning to advance a motion, as though you need one, to go and do whatever it is you want to do at lunch time, when it's already on the front page of the local newspaper that you're anticipating going to this site - the thing is already organized. As my colleague, John Cleary, states very clearly, this point is moot. It had already been organized. You already knew you were going to do it. We had this discussion yesterday about how we feel about you spending government taxpayers' money to propagandize so that you can go out into communities and lay your hand on the heads of the poor for the benefit of the PC Party. Get your own damn party to pay for that crap. Ontarians shouldn't be paying for that kind of propaganda.

Second of all, as my motion was defeated earlier, we have said time and time again that we are opposed to this blatant expense of over \$700,000 for your own tactical errors, tactical in that you chose to sleep through the most critical clause of Bill 142, from your perspective. You desperately needed section 73 to pass. One was doing correspondence, another was reading the newspaper, a third was out of the room and a fourth, from London, was asleep.

That is not our problem. That is your responsibility. You have the majority on a committee here. You could have passed any clause you wanted and you failed to do. Because of your error, you choose now to spend over \$700,000, traipse 19 people from Queen's Park around Ontario, and now during the lunch hour you want to take the justice committee - which is what this is. As Mr Kormos pointed out, this bill was sent to justice, when it's a social bill, because you're trying to do yet another cover-up. Ipperwash is indeed the appropriate site to visit if you're going to visit, because that's what justice was supposed to deal with. You've used this bill just to block the advance of the discussion of the Premier's role in the killing at Ipperwash, so let's say it the way it is.

We have a government member this morning suggest that we want to come forward and grandstand. What on earth do you call a motion put forward today go on a visit that has already been organized by the parliamentary assistant, who has done site visits with the minister, traipsing around Ontario without the justice committee? It is totally inappropriate to bring the justice committee out to a workplace site.

As I say, for those of the government members who want to lay their hands on the heads of the poor, please, go and do it on your own time. I might also suggest that all of you are in the wrong business.

The Chair: Seeing no further discussion -

Interjection.

The Chair: Mr Kormos.

Mr Kormos: How much time do I have left, by the way?

The Chair: You have six minutes.

Mr Kormos: I simply want to reinforce the observation that this isn't Bill 142 that's before the committee. It's Bill 22. It's about the right of workfare participants, community placement participants, to belong to a trade union or an association - the two words are interchangeable in terms of the language of the bill - and/or to collectively bargain, and/or to strike, to refuse to do their placement, to withhold their labour in an effort to have a grievance addressed if they feel aggrieved.

Yesterday we heard from the Tory candidate in the by-election in the riding of Nickel Belt and his comments, well-prepared, echoed the government's line on workfare and Ontario Works welfare in general. I suppose that's fine. Who can fault him? Good for him.

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We had another fellow come forward who indicated that he was a little upset because he was supposed to have received materials before he made his submission. You would have enjoyed this, Mr Cleary. He was supposed to have received materials, but he didn't want to say who he was supposed to have received materials from. I think the Tory caucus staff screwed up. Clearly he was supposed to have received briefing notes from the Tory caucus staff so that he could make a submission supporting Bill 22. But he did quite fine.

Mr Rollins: He did a good job without them.

Mr Kormos: He did quite fine. Now, mind you, he wasn't pleased about not having received his briefing materials. Don't set people up like that. Don't send them about into the trenches without bullets, for Pete's sake, Mr Klees. He'll end up - I'm sure he's Reform federally. I was going to say he'll end up with the Reform Party, but I'm sure - well, some of your own caucus members are Reform members federally.

I suppose, if your bylaws allow that, it's fair enough to belong to two or more political parties.

But the issue here is Bill 22 and the right to unionize, the right to bargain collectively, the right to withhold work. So what is your promotion? Once again, nobody disputes that work training and on-site training can be valuable and profitable. We've always disputed that involuntary placements lack value, we've always disputed that painting park benches lacks value and we've always disputed that workfare should never displace real jobs.

Yet as often as not, workfare - where's that newspaper clipping, Ms Papatello, that front page of the local paper? God bless John Cleary for bringing the Standard-Freeholder here this morning, because here it is. Your people did a good job on it. They issued a little local press release.

"The parliamentary assistant to the Minister of Social Services is in Cornwall today. Frank Klees, MPP for York-Mackenzie, will be in Cornwall with the standing committee." I don't think your colleague Mr Carroll did as well with the Sudbury Star. He's going to be ticked off.

Mrs Papatello: He's gunning for leader. You guys had better be watching this.

Mr Rollins: You mean Frank? We know that.

Mr Kormos: "The committee is holding hearings to receive input" - listen to this - "on an act to prevent unionization." Fair enough. "Klees will also meet with the community selection committee over lunch to hear about successful community placement opportunities in Cornwall under Ontario Works." Fine.

Mrs Papatello: Go.

Mr Kormos: Yes, go. Eat lunch. I don't want to break bread with you. Do you understand? I'm more careful about the friends I pick. But go, have lunch with these people. We're not talking about workfare any more. We're talking about - look, those of us who were opposed to mandatory workfare, we lost. We understand that. The bill was passed.

Now we're talking about the right of these people to freedom of association, which is only denied by fascists and totalitarian governments. Only a fascist would deny somebody the right to free association and only in fascist or totalitarian countries is freedom of association denied people. Try visiting some of those and look at the similarities.

The Chair: Thank you, Mr Kormos. Seeing no further discussion, we will call for the vote.

Mr Kormos: A recorded vote, please.

Ayes

Boushy, Klees, Parker, Rollins, Stewart.

Nays

Cleary, Kormos, Papatello.

The Chair: I declare the motion passed.

KINGSTON ACTION NETWORK

KINGSTON AND DISTRICT LABOUR COUNCIL

The Chair: At this time I would like to call on our first witness, the member or members from the Kingston Action Network and Kingston and District Labour Council. If you could come forward and identify yourselves for Hansard, we would appreciate it. Just so you know, there is a total time allocated of 25 minutes. At the conclusion of your presentation, any time remaining is divided equally between

the three caucuses. You may begin, please.

Ms Natalie Mehra: My name is Natalie Mehra. I am a member of the Kingston Action Network and I am presenting this submission on behalf of the Kingston and District Labour Council.

I'd like to take this opportunity to introduce John McEwen. He is the president of the Cornwall and District Labour Council and he is on the executive of the Eastern Ontario Training Board.

The Kingston Action Network is a social justice coalition that includes social service agencies, political action groups, interfaith groups, advocacy organizations, community activists, social assistance recipients and academics, among others.

The Kingston and District Labour Council represents over 9,000 working people in the greater Kingston area. Central to our work is a commitment to social justice and equity in public policy.

In her introduction to Bill 22, the Prevention of Unionization Act (Ontario Works), 1998, Minister Janet Ecker stated: "This government will not stand by and allow some labour leaders to stop...valuable and productive reforms to our welfare system." Her government's removal of the rights for workfare workers to join a union, to bargain collectively and to strike are ostensibly based on this assessment.

We take issue with the minister's statements. Flaws in the design of Ontario Works have been the main barriers to the implementation of workfare to date, and the welfare reforms instituted by this government have been neither valuable nor productive. Moreover, the Prevention of Unionization Act stands in opposition to our principles of social justice and equity by violating fundamental rights of freedom of association, of life, liberty and security of person, and of equality.

In the context set up by Bill 142, including the Ontario Works Act and the Ontario Disability Support Program Act, and in the context of dramatic cuts to supports and advocacy for workers and marginalized people, and given historical and contemporary evidence of mistreatment of people in the workplace, we hold that third party advocacy for workfare placements by the labour movement and others, including organizing, collective action and the right to withdraw labour, is a necessity.

Refusal to allow such intervention will increase the likelihood of abuse and injury for placements. Sadly, even if Bill 22 is not passed, we predict that there will be abuses of community placements under the Ontario Works system, as has been experienced in other jurisdictions, due to its very design.

These are the issues I'll address today. First, barriers to the implementation of workfare.

As noted earlier, Minister Janet Ecker has attributed the government's lack of success in implementing its workfare system to the actions of labour leaders. Although we do not consider the prevention of workfare's implementation to be negative, the minister's comments do not address contentious issues in the design of Ontario Works that have led to the non-profit sector's reluctance to take part.

In Kingston, as of June 1998, no community agencies had volunteered to take placements. In fact, in Kingston, as has been the case across Ontario, many non-profit agencies have gone on public record with their opposition to the program. Their concerns have been echoed by other community groups, faith leaders and members of organized labour.

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Contentious issues raised by agencies in the non-profit sector include (1) the coercive nature of Ontario Works; (2) the punitive nature of Ontario Works; (3) potential negative impact of Ontario Works on agency clients; (4) the negative impacts of Ontario Works on agency-client relationships, agency-volunteer relationships and staff-board relationships; (5) Ontario Works' contravention of the accepted principles of volunteering; (6) Ontario Works' potential impact on agency volunteer programs; (7) concerns about staff employment protections; (8) administrative and reporting requirements, among others.

We believe the government's recent expansion of Ontario Works to the private sector is further evidence of their inability to find placements in the non-profit sector. We are deeply concerned that no new initiatives to assist people on welfare with finding meaningful work placements are being undertaken while the government is pursuing the implementation of the troublesome and flawed program of Ontario Works.

Reforms to Ontario's welfare system: In her statements, Janet Ecker refers to valuable and productive reforms to Ontario's welfare system. Since 1995 these reforms have included a 21.6% cut to social assistance; spouse in the house legislation; introduction of the fraud hotline; a cut to the food supplement program for pregnant women on social assistance; the introduction of Ontario Works and the Ontario Disability Support Program Act.

The effects of these changes have been well documented by non-governmental organizations. The 21.6% cut to social assistance has deepened the hardship of the poorest in our community. Hot meal programs have proliferated, organized by concerned citizens to meet an ever-increasing need for food, especially at the end of the month when welfare cheques run out. Spouse in the house legislation has been widely criticized and is now under challenge in the court system. As of March 1997, the fraud hotline initiative had yielded just nine convictions out of 18,655 calls, and concerns about vindictive calling have not been addressed.

A 1998 report by the Social Planning Council of Kingston and District entitled The Quality of Life in Kingston and Area found an increase of 138% in the number of people on the waiting list for social housing over six years, a 50% increase in the number of suicides and a 50% increase in the incidence of low-birth-weight babies in Kingston over seven years. Cuts to social assistance, cancellation of new non-profit housing, cuts to food supplements and stressful coercive initiatives will inevitably exacerbate the serious situation evidenced by these statistics.

Ontario Works has not been implemented in Kingston, but overwhelming amounts of evidence from other jurisdictions show that workfare does not create jobs, is expensive, deepens hardship and increases the number of people living below the poverty line. For these reasons, we conclude that the government's welfare reforms are neither valuable nor productive.

Bill 22 and human rights: Bill 22 stands in clear violation of fundamental rights set out in Canada's Charter of Rights and Freedoms, in the Universal Declaration of Human Rights, in covenants of the United Nations, in the constitution of the International Labour Organization and in principles affirmed by the Organization for Economic Co-operation and Development. I know you've heard about these issues before, so I won't go into them at great length. However, I will go over them briefly.

Bill 22 violates the principle of equity by targeting one identifiable group for removal of rights. It denies freedom of association and the freedom to organize and bargain collectively. Repeal of these rights is tantamount to disenfranchisement for an entire class of workers and flies in the face of accepted standards of democracy. We will support challenges to this legislation based on its violation of these fundamental rights.

Organizing, collective action and the right to withdraw labour: Ontario Works, by its design, puts community placements in an extremely vulnerable position. Under it, social assistance recipients are expected to sign participation agreements, employers are expected to report on placements, and those who refuse or are unable to meet the terms of their placements face losing the only money they have for food, shelter and basic necessities. The design of Ontario Works does not include proactive and rigorous health, safety or security protections for placements. In fact the government has actively attempted to avoid health, safety and injury compensation for placements and has allowed enforcement officers new freedoms for search and collection of information on participants without the requirement of a search warrant.

Recent examples of the kinds of abuse we fear are not hard to find. Despite health and safety regulations, every year hundreds of Ontario workers are killed on the job and many more are injured. A recent study, widely cited in Canadian newspapers, released by the International Labour Organization revealed a substantial incidence of sexual harassment and harassment in Canadian workplaces.

Welfare News by the Center on Social Policy and Law, New York, February 1997, contained the following report regarding New York's workfare system:

"Legal services officers and advocacy and community groups have found many people suffering greatly. Participants are exposed to industrial, biological and medical wastes including asbestos, animal carcasses, human feces, and discarded syringes without protective gear. Students in high school or other approved education programs who were willing to carry both school and workfare are told that their workfare hours were in conflict with school; many drop out of school and others lose all welfare benefits. Participants are denied access to toilet facilities, and are made to work in bitter cold weather without warm clothing."

At the same time, support and advocacy organizations for workers and marginalized people have been dramatically cut. Since 1995 we have seen the gutting of Ontario's Advocacy Commission, cuts to legal aid funding, drastic reductions in funding for community-based organizations through a variety of cuts and municipal downloading, cuts to programs for abused women, cuts to workers' health and safety centres, and cuts to government ministries that deal with complaints. The system of organizations to which workfare placements would have turned in the past has been seriously denigrated.

In this context, the rights to organize, to bargain collectively and to withdraw labour are in more need of promotion than ever. People on workfare will be placed in extremely vulnerable positions. Options for support and advocacy are diminishing. Abuse and mistreatment are inevitable. Organization, collective bargaining and withdrawal of labour are tools that should be available to workfare participants for protection from abuse or injury.

In summary, if the government meets its targets for work-for-welfare placements under the Ontario Works Act, many social assistance recipients will find themselves in extremely vulnerable positions. Bill 22 serves to limit these peoples' options for security and safety. The rights violated by Bill 22 are fundamental and should not be attacked, on principle. Moreover, in the current context, the rights that are attacked in Bill 22 are the very rights that workfare placements will find necessary to help prevent abuse and injury. For these reasons, we urge that this act be repealed.

John McEwen would like to speak.

Mr John McEwen: My colleague has observed that Bill 22 violates the basic principles of equality under the law and exposes individuals to various hazards, injury, harassment, exploitation.

I'd like to put things in a local focus, if I may. In the five counties that make up Stormont, Dundas, Glengarry, Prescott and Russell, the employment ratio, the ratio of people of working age who are employed to that entire cohort, is less than 60%. The average ratio in Ontario is closer to 75%. That means that approximately 40% of the people in this area exist on either pensions or some other transfer payment from either a corporation or one level of government or the other. So there would be an obvious interest here in ensuring or setting up a system whereby people could move away from dependency on transfers from the government to some form of gainful employment. However, I think, as has been said by others, Bill 22 misses the boat entirely. From my experience and my studies, I have to concur with Mr Kormos that the problem is not so much preparation for a specific job as it is the availability of jobs.

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That said, the international adult literacy study identified the three counties, Stormont, Dundas and Glengarry, as having lower levels of adult literacy in the mid-employment years - that is, 30 to 40 to 50 years of age - than was true in the rest of Ontario. That has to be a concern, because if we are going to engage in economic development, we probably have to recognize that today knowledge is the new wealth, and good jobs likely will involve some ability to gather information, manipulate information and use information. Quite clearly, a large part of the population of this area is shut out from that process because of low levels of literacy and other things.

Let us look at what has happened to our ability to meet those needs. Our local alternative education

system, which produced large numbers of successes among the adult population, is under extreme stress. They've had to reduce - that is, lay off - most of their certificated teachers and make do with other kinds of programs which they're trying to make work. Quite frankly, if you spend \$5 on something, chances are you aren't going to get the same result that you will get if you spend \$15 on something.

In the same fashion, we have reduced access to those kinds of programs that would provide disadvantaged young people at the front end of the education system with some sort of head start. I'm referring of course to things like junior kindergarten and senior kindergarten.

Then we also have the problem that our young people face in going off to post-secondary education. Cornwall has traditionally sent a larger proportion of its young adult population off to post-secondary than the rest of the province. However, our community college, which is the chief reason for that, is under attack. It may not survive as a viable institution because of government cutbacks. That would mean that young people would have to go off to another community to get further education, incurring a doubling or a tripling of the annual cost to them at a time when it's harder for them to earn the money to do that and when it becomes even impossible to get loans, loans which, if they were successful in achieving them and they were able to graduate from their program, they would be looking at \$30,000 or more to be paid back in an employment market where it takes two to three to four to five years for a person with a good education in this province to establish themselves in a proper, permanent job.

I would just close by saying that rather than vilifying and perhaps even criminalizing those who have less advantage than others, and placing restrictions and inhibitions upon them, it would be more appropriate to look at ways in which we could create jobs and make it easier for people to acquire the education and training they need to fill those jobs. I'll just give you two suggestions.

Here in Cornwall we have the St Lawrence River Institute of Environmental Sciences. This institution has the potential of becoming the Massachusetts Institute of Technology equivalent for Cornwall. It could create tremendous spinoffs in knowledge-based industry. But this organization limps along, doing very good work but not receiving the support it should be receiving from either level of government. In addition, we have a unique opportunity here to create certain other environmentally based industries that would be spun off or arise as a result of the work done by the St Lawrence River Institute of Environmental Sciences. Quite frankly, this is an area where this government could show leadership and has to date failed to do that.

I would also point out that in the downloading of infrastructure, roads, to the municipalities in this region, this government has probably made it more difficult for job development to occur in this area. I've just come back from New Brunswick, and I was astounded at the quality of the infrastructure in communities the size of Cornwall in New Brunswick. The government down there has made an investment in hard and soft goods. I have great quarrels with the government in New Brunswick in other areas, but they have made it possible for economic development to occur in a community equivalent to Cornwall, whereas this government has placed impediments to economic development while at the same time introducing a bill that would tell the people who are having trouble getting real jobs: "There is something wrong with you because you haven't got a real job, and we're going to punish you. We're going to make you follow certain rules. We're going to expose you to some very real risks to life and limb, to harassment, to degradation. We're going to expose you to those risks and we're going to prevent you from doing anything about it."

I said I was closing about three times now. There is a young man who is on my mind. This young man is an injured worker. He has a family. That young man today has to decide between continued personal injury and destitution for his family. That's the choice that the aggregate policies of this government have left him with. It seems to me that instead of vilifying and harassing and exposing that young man to danger, a better role for this government and this committee would be to ensure that this young man had the opportunity to improve himself, to acquire some economic skills that he could use, and not place him in the position of having to choose between further injury and poverty for his family.

The Chair: Thank you very much. That allows just a little over two minutes per caucus, and we begin with the government members this time.

Mr Dave Boushy (Sarnia): I have just a brief question to ask. Could you tell me how much union dues are? If a welfare recipient has to join, how much would he pay in union dues? That's a serious question. And what would he get in return for his union dues, since he doesn't have really a real job?

Mr McEwen: Whenever people come together to act jointly, they make those kinds of decisions. It would seem to me that if I was an organizer of the conscripted workers, there would be no fee for assisting them. I am sure we could find money somewhere else.

I will draw as a parallel the injured workers' centre here in Cornwall, for which I gather the funding from the government has been largely withdrawn. I don't believe they charge their clients fees, but rather they get the money from fundraising and from contributions from local unions. I imagine something very similar to that would occur because we have a very similar situation.

Mr Boushy: You are a member of a union, sir?

Mr McEwen: I am a member of the Ontario Secondary School Teachers' Federation, sir.

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Mr Boushy: Could you tell me how much you pay for union dues per month?

Mr McEwen: I believe I am paying approximately 1% of my salary. Frankly, I think it's the best money I am spending.

Mr Rollins: Do I have time for a quick one?

The Chair: Actually, no. The two minutes are up. We move to the official opposition.

Mr Cleary: I would like to thank you, Natalie and John, for your presentation. I'll speak to John's comments especially because he's from a community I'm involved in. He had talked about the downloading quite a bit. He had talked about an opportunity with a new environmental science project which he's been involved in and I've been involved in for many years. They're trying to get money from both levels of government because they see an opportunity to do a lot, especially on the St Lawrence River and other environmental issues.

He had mentioned also about the downloading and the stress municipalities are under with their roads.

Also something new brought on by this government is the policing in this area, which we're going to be getting a hefty tax bill from, one that will take a lot more than a 30% cut in the provincial income tax.

He also mentioned our college system, which we were very proud of, being connected with Brockville and Kingston. They're under a lot of stress, so much so that the hall they have in our community, they're trying to get donations to run it privately. I know the students in our community are very upset about what's happening at the college and it's a real mess.

I also mention the health care system. We have residents here who can't get appointments here in Ontario because they're booked. People book and they're on waiting lists. One lady who was supposed to have an operation tomorrow couldn't get the operation in Cornwall. She's going to have to go to Quebec. She has it slated for tomorrow, and OHIP are not saying whether they're going to pay it or not.

There are real issues out there that we should be talking about to get the government to listen.

The Chair: Thank you, Mr Cleary. We move to the third party.

Mr Kormos: I thank you, as I do all participants. You know there are people who are strong supporters of Bill 22. There are people who firmly believe that certain classes of people shouldn't be able to belong to a union or an association, and we've heard from them as well.

I want to tell you people something. You made reference to the 21.6% cut in assistance levels. I recall that. It was one of the first things the government did. You know what they followed that very quickly with? A salary increase for MPPs. Let me tell you what happened.

The base salary was \$42,000 a year - calculate this - plus \$14,000 tax-free, right? Let's gross the \$14,000 up by 100% to turn it into \$28,000. Add \$28,000 to \$42,000. That comes to \$70,000. So with a very generous interpretation, our salary was the equivalent of a \$70,000 salary, \$42,000 plus \$14,000 tax-free, right?

The new salary is \$78,000 a year. That's around a 10% increase in MPPs' salaries. They say, oh, but they eliminated the per diems. But the per diem was around \$80 a day. At \$8,000, you'd have to do 100 days of per diem committee work. Nobody ever came close to doing 100 days of per diem committee work because they only did that during the legislative breaks. They raised MPPs' salaries - the arrogance - immediately on the heels of slashing social assistance budgets by 21.6%.

They tried to pretend, they've been trying to tell people, that they lowered MPPs' incomes by making them taxable, but they grossed up the tax-free portion by over 100%. Interesting data.

The Chair: Thank you very much for coming to present today. We very much appreciate you coming forward.

CLAUDE LAPERRIÈRE

The Chair: We would call on our next presenter, Claude Laperrière. If you could come forward and correctly identify yourself, in case I made any errors, for Hansard, we would appreciate it. In the event you were not here earlier, just so you know, there's a total time allocation of 30 minutes. Any time remaining during your presentation is divided equally between the three caucuses.

Ms Claude Laperrière: My name is Claude Laperrière and I'm here representing myself. I'll give you a background on what I do. I'm a community worker with a community health centre that services the francophone community of SD&G. I'm also the animator of a community garden. I'm a director of the Kiwanis Club. I work on the board of directors of a women's shelter servicing francophone women in Alexandria and I work actively on three different environmental committees.

When I was called to come - actually the call was that I would come and answer some questions that people had on the placements that we have made with workfare - I was very happy to be able to assist. But then I received a phone call and I was told that this was about Bill 22. I hate to say this but I'm very busy and I hadn't had a chance to be up on Bill 22, with the knowledge of it, so I asked to have a copy of it. When I received it, I read it and I kept looking for the other pages because I thought this was really a non-issue.

Where I'm concerned, I received placements in community participation. I'm under the impression that these people who are coming are not paid by the agencies that receive them. They're not salaried employees. To me, joining a trade union - I may not be very knowledgeable on this - would require that there be a salary paid and an employer. This seemed to me an error that was being corrected.

Where I was very sad is the fact that the biggest challenge we have when we're doing community work is to find funding and to find participation from people. What saddened me was the fact that I started to do a mental calculation of what this exercise is costing. Believe me, if I only had 20% of what this has cost the taxpayers to use in programs such as the community gardens, youth centres, volunteer drivers - because the job I have at the centre is as manager of volunteer resources. If I could have just had that, I could really go far this year.

In regard to the placements I've had, I hope that you will have a chance at lunchtime to question the people who are responsible for enacting the program here in Cornwall because it has been a success story as far as I'm concerned. In the placements that I've dealt with and the different areas where these placements have been made, there have been no concerns of safety. I think it has to do with the people who are running the program, who are running it properly. It has been a win-win situation in our case.

and I'm proud of it.

That is all I have to say. I just wish, as I say, that you hadn't come down just for this. Please correct whichever error was done before, because it's unfortunate to see all the time devoted to something like Bill 22.

The Chair: Thank you very much. That leaves us just under seven minutes per caucus. We begin with the official opposition.

Mrs Pupatello: Thank you for coming today. I can't tell you how much I agree with what you've said today. What was most interesting to me about your comments is that you were called to come to speak today about workfare. In fact, this is about Bill 22. I don't know if you were here earlier on when I made a motion, and it was defeated by the government members, to cancel all future hearings on this bill because it is a complete waste of taxpayer dollars.

What this bill is, because it's only one page long, it replaces a paragraph that was in the original Ontario Works bill, Bill 142. When we were passing clause-by-clause of that bill at committee last fall - the government members of course have a majority on the committee so you assume that every clause is going to pass because government members vote in favour. The opposition is opposed to the project overall; we vote against. When it got to section 73, one government member was asleep, another was doing correspondence, another was reading the newspaper, a fourth was out of the room. In the end they missed passing that one clause, section 73.

You'll note - I think you have the bill there - the bill is actually ordered numerically correctly, 73. It's the same section that they slept through last fall, which is what led to this bill being dubbed the "Sleeping Beauty" bill. Had they not slept through committee the last time, we wouldn't have to go through this entire charade.

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There's no question that we're opposed to the way they've gone at this program, because we'd like to see something that isn't political propaganda, frankly, when you're dealing with individuals who need help to get back into the workforce. The point is that they have now taken government money, sent 19 people yesterday to Sudbury by plane, flew us back to Toronto to fly us to Ottawa to spend the night in a hotel, to get on a bus to come to Cornwall for part of the day so that we can talk about a one-page bill which was simply the replacement clause, which since last fall they have now politicized, retitled "An Act to Prevent Unionization" etc, and have taken on the road with the minister making public comments about how she will not allow labour groups to not allow workfare to go forward.

What you've correctly identified as some of the issues to workfare not working is the difficulty of many agencies to participate in programs where some additional administration costs are not being met: real training opportunities, the staffing in place in agencies to do this training for these individuals etc. There are many, many agencies out there that could do it if they had the funding available to do real training.

The difficulty I have is that in the end it doesn't matter what party you belong to, I think that ultimately if you're going to just do something because it's political propaganda it should be paid for by a political party and not government funding. But so far our costs total over \$700,000 just on Bill 22.

I appreciate your coming. I think, the kind of work you're doing, your time may have been better spent in the agency work that you're engaged in.

The Chair: We have the two other caucuses.

Mr Kormos: You're in a hurry to get back to doing what you're doing and I understand that. I appreciate your comments, your candour. You've got to understand, neither of the opposition parties demanded public hearings on this. This Bill 22, this one-page bill, is getting more public hearings than did the original workfare legislation. We did two days of public hearings in Toronto, we're doing four days of travel, and it's really pretty wacko. As Ms Pupatello says, we went to Sudbury yesterday - please correct

me, Chair, if I'm wrong - and there was a total of five submissions made, one of them the current candidate in the by-election. We spent a total of around two and a half hours maximum in Sudbury, flying up there -

Interjection.

Mr Kormos: Six? I'm sorry. OK, six. One was a no-show, so five. It's wacko. These hearings came about as the result of a closure motion which required that this bill go to committee for six days of public hearings. The closure motion I think actually indicated four days outside of Toronto, plus two in Toronto. We didn't advocate for four days or any days outside of Toronto.

This is the justice committee to boot. This wasn't the same committee that considered workfare. It's the justice committee, because we had brought, again, this application to have an inquiry into the Dudley George affair and the only way the government could knock that as-of-right inquiry out was by bringing this.

God bless, we have folks like you who do the same and similar things down in Niagara. You know some of them, I'm sure, and have dealt with them. I appreciate your coming here and I appreciate your candour.

Mr Klees: Thank you very much for taking the time to be here with us. I just want to thank you for, first of all, your expression about the fact that you feel the money that's being spent or the time and effort that's being spent on these hearings could be spent better elsewhere. I don't disagree with you on that. Quite frankly, I would prefer that the resources of this time that we have here could go to the front lines.

Mrs Pupatello: You should have passed my motion this morning.

The Chair: Order, please.

Mr Klees: The fact of the matter is that we do have to carry on the business of government as required legislatively to get this done. What really does necessitate us being here and addressing the issue, regardless of how it's come before us, is because of the fact that people like yourself have experience on a positive side with the Ontario Works program. You see first hand that people are benefiting from the Ontario Works program.

There are many people across the province who are finding jobs. This is not just about putting people into a training program. There is an objective to the Ontario Works program. We're hearing many positive results.

It is a program in growth, it's a program in transition and it's not perfect. We have never said that it is. We need to hear from people like yourself. We need to hear from people across the province how we can improve it. What is it that can be perhaps refined in the program to make it better and to work better for the people it's intended to serve?

Yet there are those in our community - the previous presenter indicated that in Kingston, for example, as of June, there were no community placements. Let me tell you why. The fact of the matter is that there are political action groups across the province, and you may have heard of them, that are going to agencies which would want to be hosts to community placements and are threatening them, threatening to withdraw funding, threatening to create political action and demonstrations if they participate in the program.

The union movement has threatened to unionize community participants if we proceed with the program. As you rightfully said, there's no basis on which to create a union, because these people are doing volunteer work. They're doing it under the auspices of an Ontario Works program and they're benefiting from it. But for reasons beyond our comprehension, these organizations are threatening this unionization strategy, again, with a view simply to put the barriers up.

The previous presenters used the terms "coercive" and "punitive," and they were applying those terms to

the Ontario Works program. You know the program. There is nothing coercive or punitive about it. Where those terms do apply are to those political action groups and to those union groups that are using coercive and punitive measures to threaten agencies not to participate in the program. That's what this bill is about. It's about removing those barriers and ensuring that the program can be implemented to the benefit of the people in this province.

It's for that reason, as well, that I've invited members of this committee to join with us at lunch in the Red Room to meet with people who are participants with the committee here. It's called the Community Placement Selection Committee, comprising people who represent the private sector, who represent agencies, who represent union positions, who are also involved in ensuring that none of the negative aspects that the program is being accused of take place, that the program is implemented in the way and the manner that it's intended to be.

So I do trust and I hope that Mr Kormos and Mrs Pupatello join us at that meeting at lunch today and have an opportunity to hear first hand the positive elements of this program. I trust my colleagues will join us as well. That was the reason for my motion this morning, to ensure that as we travel the province, because we have to consider the bill -

Mrs Pupatello: You don't have to travel the province with this.

Mr Klees: - that at least we can then see first hand in these various communities the good work that is being carried out through the Ontario Works program.

Once again, I want to thank you. You're obviously doing tremendous work within your community. It was difficult for you to find the time to be here today. Thank you for taking the time.

Ms Laperrière: Can I respond?

The Chair: Yes.

Ms Laperrière: In response to what was said to me, I just stayed within the realm of Bill 22 in my presentation. What I find would be the solution, obviously, is if we had enough jobs for people to have decent livelihoods.

When I say it's a win-win situation in the program, I'm saying there is a positive outcome. It is not necessarily leading to a job, because there aren't necessarily the jobs out there. But it does have a positive outcome. In other words, the people are getting something to build themselves up, their self-esteem, participation in the community. But the fact of the matter is, we need jobs.

I could go on. If it hadn't been just Bill 22, I could have made a presentation to talk about the specifics of our area, but I'm sure that at lunch time - please, I invite you to go in and question these people and to find out how they're doing it. Having been a spectator to what I'm hearing, I feel as if I belong to another world. I honestly feel very fortunate.

The Chair: Thank you for coming forward today. We very much appreciate your taking the time to come before us.

At that, this committee sits recessed until 1330 of the clock today.

Mr Klees: Mr Chairman, might I just reaffirm the invitation to members of the committee to join us in the Red Room.

The committee recessed from 1151 to 1334.

ANTI-POVERTY PROJECT

The Chair: I would call the first presenter forward for this afternoon. If we could have the representative or representatives from the Anti-Poverty Project come forward, and if you could identify

yourself for Hansard, we would appreciate it. Thank you very much for attending, and as well for waiting until this afternoon to present.

Ms Linda Lalonde: I knew Frank had a pressing luncheon engagement and I wanted him to be here to hear this.

My name is Linda Lalonde. I work with the Anti-Poverty Project in Ottawa-Carleton. I'm going to do a bit of historical, how-I-got-to-be-here stuff, because I think it's important that you understand where my knowledge of employment in relation to social assistance recipients comes from.

I was involved for five years with the Opportunity Planning Project, which was a five-year pilot project in Ottawa-Carleton. It was a voluntary program - people chose to be involved in it - which provided access to training, employment supports, counselling and child care. It was a highly successful program, and saved money and reduced significantly the recidivist rate of those people who were involved. I know Frank has the final report, because we sent it to him, if you want to look at how wonderful it was.

Secondly, I was involved with the organizing of the job link centres, now employment resource centres, in Ottawa-Carleton, which included quite an intensive community consultation, and later sat on the planning and review committee that oversaw the operation of the centres. This was a very successful project and, again, was voluntary.

I worked for four years as an advocate for social assistance recipients with the Social Assistance Recipients' Council in Ottawa-Carleton, which was an organization established and run by people who were on social assistance.

For two years now I have been the community organizer for the Anti-Poverty Project, and I will emphasize that it's community organizer and not labour organizer; it's that kind of organizing. I do public education and advocacy there. For example, I've been doing information sessions about Ontario Works for the past several months and will be continuing that probably for the rest of the program.

I'm also involved in the Ontario Works monitoring project in Ottawa-Carleton, which is a project that's funded by the region and by the two universities in Ottawa. The monitoring committee involves representatives of business, labour, community agencies and recipients themselves. We've been running focus groups and one-on-one interviews with people who are in various streams of Ontario Works. There is an interim report which will be coming out in September. I've seen the draft - I'm not going to tell you what it says - and the final report will be coming out sometime in the early part of the new year.

I'm also a board member on the National Anti-Poverty Organization, and you'll understand why that's relevant in a minute.

I've had a lot of involvement with employment programs of various types.

The other thing I do want to tell you is that Ottawa-Carleton is a rather unique community in Ontario, where the social services department has worked historically very closely with both community agencies and people who are actually on social assistance. So the programs that are developed in Ottawa-Carleton are usually very responsive to need, they're very responsive to the kind of community we live in and they've also been very successful.

1340

We have never had a program for people on social assistance that has not been oversubscribed. We've often had six-month waiting lists for employment programs. On one occasion we had a program for single mothers which had a two-year waiting list, and they finally closed the waiting list. It was a little silly to say to someone: "Sure, we've got a program for you. Call us in two years."

Our history as a community is to be very involved with providing ways for people to get employed.

I'd like to address first of all - and I'm sure you've had this mentioned to you a couple of times already -

the obligations that the government of Ontario has to its citizens, some of which are found in the International Covenant on Economic, Social and Cultural Rights. I'd just like to read you a few.

"The states parties to the present covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work, which ensure, in particular:

"(a) remuneration which provides all workers, at a minimum, with:

"(i) fair wages...;

"(b) safe and healthy working conditions....

"The states parties...undertake to ensure:

"(a) the right of everyone to form trade unions and join the trade union of his choice" - I assume that means "his or her" - "subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests....

"(c) the right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others."

That's an obligation that the government of Ontario, in the old days of Bill Davis, who I understand was a Progressive Conservative, agreed to.

The reason I mentioned that I'm a board member of NAPO is that the National Anti-Poverty Organization is going to Geneva this fall as part of the review, which is I believe on a five- or 10-year cycle, of Canada and the various provinces' adherence to that particular international covenant. We'll be presenting, among other things, the behaviour of the Ontario government. Certainly the fact that you're going to bar people from participating in unions, which you have specifically agreed not to do, will be one of the things that will be brought up.

It was interesting to us, of course, to see the Ontario submission, which includes only the time period up to 1995, which some of you may realize is a rather significant date in the life of Ontario.

I'm not going to talk about the ILO obligations because I'm sure you've heard lots of that from labour people and I'm not a labour representative here.

There are also Canadian obligations that people have the benefit of under the Charter of Rights: freedom of association etc.

I want to reflect on the minister's statement to the House where she said: "Ontario Works is aimed at creating critical links between welfare recipients and employment." Then in the next bullet she says: "Community placements provide welfare recipients with the opportunity to," blah, blah, blah, "and to make contacts for future employment."

I'd like to talk to you about some of the benefits of union membership, as we see it. First of all, there are a number of unions where employment in that field is based on your seniority in the union. If you were taking a six-month placement in that particular field - and these are usually in the building trades and so on - and you could join the union the minute you walk in the door to start that placement, you would in fact move yourselves six months up in the seniority list, which would mean that you would find employment on a permanent basis six months earlier than had you waited until the end of that time.

There are many unions that provide training to their workers, to people who are members of that union. I find it rather baffling that the government would rather pay for the training themselves than allow a union to pay for training. I know that some government members object to the way unions spend their money, but I would have thought that would have been a positive and approvable spending of their money.

The third thing: From my experience with the Opportunity Planning Project, one of the beneficial things that we were able to do was to get people hooked up with someone else who was in that field and who could take them through the various intricacies of a specific occupation.

I can see a lot of instances where there would be possibilities for mentoring that could be established through a union connection. Again, I'm thinking more specifically of things like building trades, where you really need to know how to move through the hoops. Obviously there are other areas where union connections would help you.

I believe there could be some kind of associate membership in a union established - and I think this will address your comment this morning about how much does it cost to belong to a union - that would encompass people who are on community placements, which could also be extended to, for example, people who are doing co-op placements, people who are doing other non-paid types of on-the-job training placements. I think it would be a way of the union bringing those people in and having some kind of obligation to them before they actually were getting money from them and certainly would be, in my view, a way of working with the unions and having them provide some support to people who are in the situation that welfare recipients are.

The other concern we have is that this may be the thin edge of the wedge. What's next? Will other groups be shut out of union membership because they are a category of persons? Will other - and this is more important to me - freedoms be taken away from people who are on social assistance? Will, for example, a person who is a Muslim woman no longer be able to say to her welfare worker, "I can't be alone in a room with a man who's not my husband or my brother or a member of my family," and therefore be put in a work placement where that kind of situation would arise? Would a Seventh Day Adventist be able to say, "I can't do a placement that requires me to be there on Saturday"? There are a whole lot of other possibilities. Taking away one freedom makes us quite concerned about where you're going to be looking next and what kind of other infringements there will be on people simply and solely because they happen to be unfortunate enough to be in receipt of a welfare cheque.

I didn't mention that I had the benefit of spending a number of years at Carleton University studying law. I'm now doing a graduate program there in law, in negotiation and conflict resolution, which perhaps would have been useful to you this morning. One of the very first things that I learned there was that laws are created to right a wrong, and I have not been able to determine yet what the wrong is that this legislation is attempting to right. What is the point of this legislation? I'd love to have someone answer that for me. Or is this just another attack on folks on welfare with the added bonus of being able to nail the unions at the same time? Because certainly that is the perception that is out in the community, that this is just another way of nailing people who for whatever reason, usually out of their control, are in receipt of social assistance.

The Chair: Thank you very much for your presentation. That affords us over five minutes per caucus. We begin with the third party.

Mr Kormos: Thank you kindly. I understand you accommodated us by being here at 1:30.

You focused on the right of association, freedom of association, international charters, international conventions, obviously the Canadian Charter of Rights and Freedoms.

You made reference to Mr Boushy's inquiry about the cost of belonging to a trade union. Do you believe that this bill in any way implies that people would be compelled, if it were not for this bill, to belong to a trade union?

Ms Lalonde: There's certainly the implication that the only way we can stop forced labour union membership is to pass this bill.

Mr Kormos: Do you have any direct involvement or experience with the trade union movement? This is an open question. I really don't know.

Ms Lalonde: From 1973 to 1977 I was a member of the Public Service Alliance of Canada and last year, because I did one of those 8:10 in the Morning on CBO things, they took union dues off my paycheque that I got. I think it was \$3.45. That's the most recent experience that I've been involved with a union.

Mr Kormos: We also heard from an interesting submitter today, Ms Laperrière, who's a volunteer coordinator here in Cornwall and who has so-called workfare placements, not under her direct supervision but she's coordinating, that she is placing in volunteer positions. You've done a lot of work with low-income people, poor people. My impression is that volunteerism and participation in community activities has been as much a part of low-income and poor people's lives as it has of anybody else's, notwithstanding Bill 142, and now Bill 22. What's your impression in that regard?

Ms Lalonde: Certainly in Ottawa-Carleton there are a lot of organizations that wouldn't exist if it were not for the voluntary labour of people who are on social assistance. I'm thinking particularly of food banks and other very localized programs - community gardens, those kind of things, programs that, for example, offer child care while a parent is at an appointment. Those programs are often dependent on having volunteer social assistance recipients.

1350

Mr Kormos: You made reference to Ms Ecker's comments about the end result being a job, that that's what her mandatory workfare was all about. What's your sense of the type of job availability out there in your community, regardless of whether you've got mandatory workfare or not?

Ms Lalonde: In Ottawa-Carleton, unless you have high-tech training, you're probably only looking at a quarter of the jobs that are available. The biggest problem we have is not that we don't have jobs available but that the match between the people who are unemployed and the jobs that are available is not there. For example, we have a lot of people who came out of the federal government who have specific administrative - they've been trained to do this little job here, but they can't translate that experience into a real world job and are not being hired by the private sector because their training is so narrow, and they don't have a way under this program of getting the training that would make them able to do the high-tech jobs that are available.

Mr Kormos: Down in the Niagara region where I'm from, adult ed has really suffered, even this process of getting your high school diploma as an adult, because of the cuts. What's the situation like in your area?

Ms Lalonde: We still have a couple of adult education schools. We did when I left Ottawa this morning, anyway.

I want to mention, by the way: If you lads and Sandra were in Ottawa this morning, you could have just met with me there before you left, and then you could have come down here. I just wanted to make that point. Thank you for putting that in my mind.

Mrs Papatello: I would have loved to.

Mr Rollins: But you weren't up early enough, Sandra.

Ms Lalonde: You would just have to leave there half an hour later, you see.

The Chair: Order, please.

Ms Lalonde: You would have been so happy after you left there talking to me that you wouldn't have had that argument this morning, so you wouldn't have been behind time. Now your question was?

Mr Kormos: Adult ed.

Ms Lalonde: We still have some adult ed programs. They have been cut back. There are fewer people

able to get into them and eligible to take them.

Mr Kormos: Now that you mention having to come down here from Ottawa, I'm not sure - Chair, you can help - but Ms Laperrière is from Cornwall, the Kingston and District Labour Council that made a presentation this morning is from Kingston, you're from Ottawa, the Barrie Action Committee for Women which is going to be speaking next is from Barrie, the Heart and Stroke Foundation - are they going to be here this afternoon, sir?

The Chair: They're here.

Mr Kormos: Are they from Cornwall?

Interruption.

Mr Kormos: The Cornwall area, OK. So we've got two Cornwall participants and then Kingston, Ottawa, what have you. We were in Sudbury. We went all the way to Sudbury yesterday and back, and then from Toronto to Ottawa for, what, a total of five submissions? Whacko. Ms Pupatello is going to talk about that.

The Chair: Thank you, Mr Kormos. Now we move to the government members.

Mr Klees: Ms Lalonde, thank you for your presentation. I would like to respond to the specific question you asked; that is, what is the wrong this legislation is righting? The wrong, frankly, is the threats, both direct and indirect, obvious and unfortunately sometimes not so obvious but realized by many organizations across the province, that unions have made that if the organization were to agree to accept a community placement, they would unionize the workfare participants. Quite frankly, this government does not agree that this would be appropriate. This bill does not in any way preclude anyone from joining a union. The legislation is very clear that it is with respect only to community placement participants.

I'm thankful to Mr Kormos for pointing out that for years in fact it's the spirit of Ontarians to volunteer. You confirmed that in Ottawa-Carleton many agencies couldn't exist without the volunteer efforts of people in their organizations. It's my experience, and I'm sure yours as well, that many of those volunteers are welfare recipients, or have been. I find it interesting that for all of these years welfare recipients have been volunteering in agencies across this province, the unions have never come forward threatening to unionize them. I wonder what's at the heart of that intense opposition or that need to feel that they have to now, under the Ontario Works program, come forward with that threat to unionize.

I just wanted to respond to your question. I want to move on to another question because you raised -

Mr Kormos: On a point of order, Chair: Ms Pupatello is choking. I don't know if she's choking on his words or -

The Chair: Order, please.

Mr Klees: If you could take her choking off her time, I'd appreciate that.

You raised a very interesting point with regard to unionized workplaces that may well want to support a community participation opportunity, and that the union would in that case pay for the training. We would not stand in the way of that. I think that is the kind of partnership we invite. We have said many times, "We want to work together with the unions in this province with this program." because if anyone should be concerned about helping people transition back into the workplace, we would think it would be the labour movement and unions in this province.

I'm open to discussing some way in which we could accommodate that kind of positive suggestion by unions to ensure that we don't preclude a union partnership in helping people who are on welfare get training. If you have any suggestions in terms of, perhaps, an amendment, and Mr Kormos may want to move an amendment that would recognize that opportunity for welfare recipients so that we don't

preclude something like that, I look forward to your suggestion or even by Mr Kormos.

Ms Lalonde: I think you missed part of what I was saying. Union training is offered to their union members. I would be very surprised - I don't have any connection with a union or any of their training programs - to find out that they would give a spot in their training sessions to someone who is not a member of the union, paid for by union dues, and pass over somebody who was a member of the union. The term "revolution" is familiar to you and I suggest that there would be a revolution within the union if that was done.

What I was suggesting was that if a person was a member of the union, they would have the right to have that training.

Mr Klees: I'm suggesting to you that -

The Chair: Thank you, Mr Klees.

Mr Klees: - we're open to discussing that.

The Chair: I'm sorry, you did receive your extra four seconds. We move to the official opposition, Ms Pupatello.

1400

Mrs Pupatello: Thanks so much for coming from Ottawa. We didn't have a lot of choice about these hearings. Frankly we felt that the whole thing's been a charade. The tally so far in taxpayer dollars is in excess of \$700,000. This particular bill, this one-pager, is the section 73, and in this bill is so numbered, 73, that the majority Conservative members committee failed to pass last fall, because one member was sleeping, another was reading the newspaper, another was doing correspondence and another was out of the room.

Rather than just introduce it either by regulation or bill, which would have been quickly passed because obviously they have a majority government, they chose instead, on the taxpayers' bill, to take this out on the road in terms of propaganda once again for workfare. What it is in fact is just trying to paper over the errors they made themselves when the bill was first going through its processes last fall, and at taxpayers' expense.

That's the most offensive part for me, because it is propaganda. They're going forward to talk about, to extol the virtue of, workfare, and in fact 97% of welfare recipients are in no way, shape or form connected to any form of workfare and some of those people are doing well and getting off the system. The statistics paint a very opposite picture from what this government purposely paints for the public.

You said thin edge of the wedge. I was interested in that comment. Where are they going next? I come from Windsor; that's my riding. John Engler is the governor of Michigan, and when we saw what they were doing to welfare recipients in Michigan, we were quite worried. This was before the Tories were even elected. They tend to be a few years or an election or so ahead of what eventually will come into the right wing of Canada. What we saw when we saw Bill 142 was several phrases throughout the bill that talked about classes of people, and we questioned at that time if one of those classes would be single people, would be people of a certain marital status, race, whatever, because that's exactly the point we were making then: "What other group or class of people will you exempt from what?"

The latest commercial that John Engler - interestingly enough the Republican purse is paying for this advertising, unlike in Ontario where Ontario taxpayers are paying for this charade. In Michigan, the Republicans are paying for ads with Governor Engler walking down the street with his family talking about drug testing for welfare recipients. I'm expecting, whether it's the next election platform or whatever - I'm kind of loath to discuss it in case it hadn't occurred to them; I don't want to give them any ideas, but that's the kind of thing I see, that they just take it to the next step and continue to play on this division in our society instead of doing the opposite and really trying to integrate us and make us all responsible for everybody in our society, which I think is what Dalton McGuinty's position is and has

been. You may know more of him, coming from Ottawa too.

That's my fear. What are we doing here? Why are we here? What is this bill really about? We have yet to see that it's anything more than an administrative error on their part at enormous expense to the public purse. The irony that the Conservatives would be so blatantly wasteful of taxpayers' money for sheer propaganda just astounds me. To that end I called for a motion to put an end to this charade, and unfortunately they have chosen not to do that and they'll continue to waste taxpayers' money to exploit, in my view, people who need the help.

I don't want to give any more examples of the American experience, but that thin edge of the wedge is there, surely just for politics, and then once you get past the election their words, policy on the back of a napkin, end up being public policy that simply doesn't work out there in the real world.

Ms Lalonde: I might just recall that when I appeared in the Bill 26 hearings one of the questions that was asked of me was how would I stop Ontario from spending \$1 million a day more than they took in, or words to that effect, and \$700,000 is a good part of a million. Anyway, on the thin edge of the wedge concern, we have seen a number of instances where what appears to be a fairly unharmed piece of legislation, when it's actually put into practice, is not equally applied to people.

As a matter of fact, the day before yesterday I was in a low-income housing project and had a story related to me where a Somali woman, who is Muslim and lives alone with her five children, had a male ERO arrive at her door - that's an eligibility review officer. She refused to let him in. He left. He came back a few minutes later and her daughter refused to let him in. He left and he came back a bit later with two policemen. It wasn't until the intervention of an elder from the community who was able to explain to them that she could not allow a male to come into her house - they were going to haul her off to jail. They were going to put the handcuffs on her in front of her children.

We get very concerned when we see something that is an infringement of rights that already exist. If you won't stop at this level, where will you stop? Where is the pendulum going to end up?

The Chair: Thank you. We very much appreciate you coming forward and spending the time with us today.

Prior to our next presenter coming forward, are there representatives who have shown up and are waiting from the Low Income Needs Coalition? No? Okay.

BARRIE ACTION COMMITTEE FOR WOMEN

The Chair: Then we would have the representative from the Barrie Action Committee For Women. If you could come forward and identify yourself for Hansard, we would greatly appreciate it, and you may begin.

Ms Sherrie Tingley: Sherrie Tingley from the Barrie Action Committee For Women. I'm here today as a volunteer. Our group is a volunteer group.

Thank you for this opportunity to come here today and talk to you about Bill 22. I'm very lucky I was able to make it here today. When I was writing this on the weekend there still was no commitment to support people's expenses to present to this committee. As you go across the province and wonder at the lack of participation of welfare recipients, you might want to consider that this presents a barrier to democracy, to have to risk your child's food and shelter to participate in this process. I am a single mother, so I had to give up work today as well.

The Barrie Action Committee For Women was founded in approximately 1989 and is dedicated to the social, political and economic equality of women. Over half of our members are women living in poverty, so often we are looking through the lens of poverty at issues.

Over the years in our community of Barrie we have worked to ensure that those most affected by issues and decisions being made have meaningful input into those decisions.

I'm just wondering how many members of the committee are lawyers. Could you put your hand up if you're a lawyer?

Mr Kormos: Do we have to?

Ms Tingley: Yes. I just wanted to know. Two lawyers. Mr Parker.

Mr Kormos: I apologize in advance.

Ms Tingley: I'm also wondering how many members of this committee are aware that 1998 is the human rights year and we're celebrating the 50th anniversary of the Universal Declaration of Human Rights. Do people realize this? I guess nobody on this committee realized this was the 50th anniversary of the universal declaration. Does anyone know what the Universal Declaration of Human Rights is? There's no show of hands, so nobody knows what the universal declaration is.

It's quite small. The Universal Declaration of Human Rights was passed December 10, 1948. The preamble states:

"Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

"Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people...."

I think you people may realize why it was important to pass the universal declaration after what had happened in Germany.

1410

I assumed, because this is the standing committee on justice that's considering this bill, which deals with a pretty basic human right, that it was important to talk to you about the Universal Declaration of Human Rights and the obligation of all governments in Canada to uphold all human rights for all. That's the theme this year of the celebration: All human rights for all.

International human rights law has been designed to protect the full range of human rights required for people to have a full, free, safe and secure and healthy life. The right to live a dignified life can never be obtained unless basic necessities of life - work, food, housing, health care, education and culture - are adequately and equitably available to everyone. Based squarely on this fundamental principle of the global human rights system, international human rights law has established individual and group rights relating to the civil, cultural, economic, political and social spheres. Civil and political are things like free elections, so if you're wondering what human rights are, that's part of it.

There are two instruments that fall out of the universal declaration. When the universal declaration was passed, they decided to define the rights within the universal declaration with two covenants: the International Covenant on Economic, Social and Cultural Rights, which Linda talked about, and the International Covenant on Civil and Political Rights.

Is anyone familiar with the international covenants? OK, no one. The two covenants are legal instruments. This is from the UN fact sheet 16:

"Thus, when member and non-member states of the United Nations ratify a covenant and become a state party to it," which Canada is, "they are wilfully accepting a series of legal obligations to uphold the rights and provisions established under the text in question." When a state ratifies one of the covenants, it accepts the solemn responsibility to apply each of the obligations therein and to ensure the compatibility of their national laws with their international duties in a spirit of good faith.

Through the ratification of human rights treaties, therefore, states become accountable to the international community, to other states which have ratified the same text and to their citizens and others resident in the territory.

Are you aware of the indivisibility and interdependence of all human rights? That's really what the theme of the international year is about.

Really, civil and political rights have received more attention - free elections and whatnot - and have been instilled in public conscience to a far greater degree than economic, social and cultural rights. It is therefore sometimes wrongly presumed that only civil and political rights - rights to a fair trial, rights to equity of treatment, right to life, right to vote, right to be free from discrimination - can be subject to violation and international legal scrutiny. Economic, social and cultural rights are often viewed as effectively second-class rights, unenforceable, non-justifiable, only to be fulfilled progressively someday. Such perspectives, however, overlook a fundamental part of the global human rights system from 1948 with the universal declaration; namely, that human rights are indivisible and interdependent of civil and political rights, and they're fundamental tenets of international human rights law.

Recently, Canada reaffirmed its commitment to the indivisibility of civil, political, economic, social and cultural rights by supporting a 1997 resolution of the United Nations General Assembly which states, "All human rights and fundamental freedoms are indivisible and interdependent." The resolution also recognizes that the full realization of civil and political rights without - and this is the interdependency - the enjoyment of economic, social and cultural rights is impossible. So Canada supported that.

Again, Canada will be reviewed this year. They'll be reviewed at the United Nations committee on economic, social and cultural rights, which is responsible for monitoring states' compliance. State parties have to submit a report, and again Linda mentioned that, every five years. As part of the current review, the Canadian government sent off a core document explaining how human rights worked in Canada. That's document 91, and this explains: Some human rights fall under federal jurisdiction, others under provincial and territorial. Therefore, human rights treaties are implemented by legislative and administrative measures adopted by all jurisdictions in Canada. It is not the practice of any jurisdiction in Canada for one single piece of legislation to incorporate all the human rights. Rather, many laws and policies adopted by federal, provincial and territorial governments assist in the implementation of Canada's international human rights obligations.

This was submitted January 1 of this year to the UN to form the core of its report.

All jurisdictions review their legislation for consistency with the human rights conventions in question before the ratification. To ensure compliance, existing legislation may be amended or new laws enacted after ratification. Canada's international human rights obligations are taken into account in drafting new legislation.

So I'm surprised that this committee could not raise their hands about your international obligations, because I would have assumed that this committee was taking into account Canada's obligations.

Has an international human rights expert been consulted with this bill? This must be a reoccurring theme. Is there a show of hands? I don't quite know.

In May, the Geneva committee drafted very specific questions and sent them to the governments of Canada, Ontario and whatnot for the issues that will be taken up in November.

One of the questions is, "What is the position of the federal government and each provincial government with respect to whether workfare programs discriminate against welfare recipients and are contrary to article 2 of the covenant?"

Article 2 says that Ontario has an obligation to undertake to take steps individually through international assistance and cooperation to the maximum of its available resources with a view to achieving progressively the full realization of the rights recognized in the present covenant; also, that the rights in

the covenant will be exercised without discrimination of any kind: race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The right to work: The committee in May - the issues were released June 10, and they're asking Canada and the province this question:

"Please provide information on any provinces which require participation in workfare or similar programs and describe the appeal procedure with respect to any disentitlement from basic necessities.

"Are these programs applied to single parents and, if so, what exceptions apply?

"Is the committee correct to assume that these programs would have been illegal under CAP?"

They're asking, for provinces applying a work-for-welfare scheme, such as Ontario and Quebec: "Please provide information concerning the application of labour standards, including minimum wage and any discriminatory criteria that are applied."

In the covenant, it says that you recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts.

1420

One of the questions they're asking too is, "Please provide information regarding the rights of farm workers and domestic workers to organize and bargain collectively and identify any change in provincial labour legislation which has affected these rights." Is there any justification for denying these workers collective bargaining rights according to other workers?

One of the things you've agreed to is that everyone has the right to the enjoyment of just and favourable conditions of work which ensure remuneration which provides, as a minimum, all workers with fair wages and equal remuneration for work of equal value without distinction of any kind; in particular, women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; a decent living for themselves and their families; safe and healthy working conditions; equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no consideration other than those of seniority and competence - Linda spoke very well about having two classes of people; also rest, leisure, reasonable limitations of working hours and periodic holidays with pay, as well as remuneration for public holidays.

It really shocked me when I read the opening of this committee and the minister said, "In the name of compassion and a misplaced concern for rights, all it really offered was neglect.

I was really concerned when the Lieutenant Governor, representing I guess the crown - I'm not quite sure who she represents besides herself - said: "Your government will move to the next phase of its plan to convert welfare into work. It will expand mandatory work-for-welfare. The ultimate goal is to ensure that every welfare recipient does something of value in exchange for his or her benefits." Sounds like a job.

She also goes on to say, "Last month, leaders of another union announced plans to try to unionize workfare participants - giving rise to the prospect of participants collecting vacation pay" - oh my God, can you imagine? - "or even going on strike for higher welfare benefits. These are real challenges that this government must and will overcome."

Now, I looked at Bill 22. I'm not quite sure what it's about. It sort of reminds me of the Ten Commandments. I'm not quite sure where she got them, Mount Cyanide or something. "Thou shall not" - or what? When I talked to welfare recipients in my community they said, "Or what?" "If we join a union, what? We'll be put to death? We'll lose our benefits?" You don't say. How can we even be discussing a bill where you don't say "or what"? It's just, "Thou shall not." I guess the intent is to scare recipients.

We're a women's group and we're going to be involved in setting the terms and conditions that people participate under in their placements. There is no way that a participant is going to be in a workfare placement and we're not going to be concerned about their conditions of work. Does that mean that a recipient who belongs to our group is already in trouble? Again, what kind of trouble? What are your sanctions?

To me, it's clear that this government is just interested in building hatred for one group of people, as evidenced by the statements of Hilary Weston. History has shown us another government that worked in this way.

Also, when I was doing the research for this, the United Nations Web site has some really great documents. There is a communication of January 25, 1996, from the Economic and Social Council to Canada. This is the person concerned with human rights violations. They go to the horrible places in the world. They send concerns. They sent this to Canada:

"During 1995, the Special Rapporteur transmitted the case of Nicholas Cotrell, a 15-year-old, and George Dudley, reportedly killed by the Ontario Provincial Police on 6 September 1995. It was alleged that the OPP opened fire on a group of unarmed...men, women and children who were defending a sacred burial ground located in Ipperwash Provincial Park, Ontario.

"The permanent mission of Canada to the United Nations informed the Special Rapporteur that Canadian federal authorities have sought information from the competent authorities of the province of Ontario which will be provided shortly to the Special Rapporteur.... Furthermore, the government informed the Special Rapporteur that on 6 September 1995, a confrontation between the occupiers of Ipperwash Provincial Park took place. According to the government, police officers who were responding to the confrontation were fired upon and they returned fire. As a result of the incident, George Dudley died and Nicholas Cotrell was injured and subsequently taken to the hospital, from where he was released shortly afterwards. In addition, the government stated that the incident is currently being investigated by the special investigations unit.

"Observations: The Special Rapporteur urges the government to investigate such disturbing allegations, identify and bring the perpetrators to justice and compensate the families of the victims."

I couldn't find any response or follow-up to that, so I don't know if it's still hanging or whatnot, but it was kind of interesting to find that in the international Web page.

I also just wanted to remind you of some of the articles in the universal declaration, specifically around work, assembly, collectively bargained. Where is it? I should have marked it. It is in the universal declaration. In fact, it doesn't necessarily talk about labour unions, but it talks about the freedom to associate, and that is really what I was getting to, that it's not clear what this bill is about. What is a union? I think it's going to go further and deprive people of the right to associate and to get together for their interests, because you haven't said anything.

Anyway, thank you.

The Chair: Thank you very much for your time. That allows us just under three minutes per caucus, and we begin with the government members.

Mr Klees: Thank you for your presentation. I just wanted to confirm for you. You asked a question as to whether this legislation had been reviewed by those with legal expertise as to whether or not it is in line with human rights legislation and so on. I can confirm for you that it has been, and we are advised, have legal opinion, that it does in fact comply. I might just add that any piece of legislation that is drafted by government goes through a process where it's reviewed by legal staff and would not be brought forward unless we had the appropriate advice, so just for your information.

1430

With regard to your other question in terms of just what this is about, I want to again affirm for you that

this legislation in no way precludes an individual from joining a labour union. The legislation reads quite specifically, and that is that "no person shall do any of the following" - here are the very key words that people seem to either intentionally leave out when they debate this issue or have failed to place in the appropriate context. The words go on to say "with respect to his or her participation in a community participation activity." So it's very narrow in that it refers to an individual who is a welfare recipient and is involved in a community participation activity in that context.

That individual, it says, shall not join a trade union, shall not have "the terms and conditions under which he or she participates determined through collective bargaining" - because the welfare rates are set by the government, it's a social service - and shall not strike.

It's the opinion of this government - and you disagree, and you have the right to, and this public forum gives you the opportunity to express your views. Certainly our government does not believe that individuals who find themselves relying on welfare should in fact have the right to strike. There is an appropriate process through which government, society, sets the welfare rates. We're simply saying that this program, the Ontario Works program, the community participation program, is affording individuals an opportunity to gain experience in the community, to develop some job skills, to help them become employment-ready.

Ms Tingley: I guess essentially you're saying work will make you free.

The Chair: It's now the official opposition, Mrs Pupatello.

Mrs Pupatello: Thank you for coming up from Barrie to be with us today. I wanted to mention, in response to the parliamentary assistant, in that all legislation goes through legal counsel, I might remind him that Bill 26 was passed by the House and stripped several sections out of different acts, one of which was taken to the courts, specifically the pay equity clause. The courts upheld that it was illegal. That was two years ago, and while they were to pay, the government still has not paid.

Even though you seem to always have an answer for everything, the truth is you just never tell the whole truth. The point is that your supposed legal counsel has been wrong before. Your government is getting to have quite a record of being wrong. I would suggest that typically you likely get your counsel in a very slanted version and then you don't like people telling you you're wrong. Sometimes you just have to be the big boy and accept that, and I'd like to suggest this is one of those times.

In any event, we've been fairly frustrated with this whole process. We did bring forward a motion to cancel these hearings because it's an enormous waste of taxpayers' money for a battle which we acknowledged we lost in the workfare debate. They have a majority government. They passed it. They passed it in a very bungling manner, by missing a clause that they slept through, which is the only reason this bill is now travelling the province. We dubbed it the Sleeping Beauty bill because one of their members in fact caused that clause to fail, and that is the only reason that we're out here. The most unfortunate political side of this is that they're wasting taxpayers' money to go on a propaganda spree, a campaign spree about workfare, as opposed to just doing their job. In this case it's just a blatant waste of taxpayers' money. It's very frustrating to watch that.

We heard from some very honest people who came to us and talked about real training programs that actually do help people. Peter Kormos and I had a very interesting lunch and full discussion regarding the programs in this area that are working and why they are. Despite the best effort of government to send them under, good programs will still find a way to survive. Frankly, that's what we discovered over the lunch hour and we were pleased to do that.

Thank you very much for coming to see us.

Ms Tingley: I would be interested, from Mr Klees talking about having retained an international human rights expert to review this bill and I guess workfare itself - I would assume something so important, so fundamental as human rights, that that advice would be available to the public.

Mr Klees: First, I did not say that we had retained -

Ms Tingley: I was just commenting actually. You don't have to reply or respond.

Mr Klees: I'm happy to clarify the record for you, if you like.

The Chair: Thank you. This is Mr Kormos's time.

Mrs Pupatello: On a point of order, Mr Chairman: I'd like to hear the parliamentary assistant's response.

The Chair: That is not a point of order. Mr Kormos, this is your time.

Mr Kormos: It could be Mr Harnick - but, then again, he's so busy getting the family support plan up and running that he'd have very little time to review legislation like this. He's been very occupied bungling.

Ms Tingley: He's been on a sabbatical. I don't quite understand why recipients are accused of fraud in this province, accused constantly. Squeegee kids, we've got to pass a law against them.

Mr Kormos: Do you know why? Because it's hot politics.

Ms Tingley: Yet the highest official can break the law and be reinstated, so there are two forms of justice. Of course, there is different justice for different people, especially Dudley George.

Mr Kormos: I want to emphasize two points you made. Ms Pupatello talks about the opposition not calling for the public hearings on Bill 22, least of all travelling. We're here (1) because the Tories screwed up big-time and they didn't have section 73 passed in clause-by-clause; and (2) because we brought an application to do an investigation by this, the justice committee, into the assassination, slaughter, murder of Dudley George at Ipperwash park and the involvement of the Premier, the Premier's office and others around him. The only way they could circumvent that or avoid it was by using closure to have literally more days of public hearings on Bill 22 than they had on Bill 142 in the first instance.

The other point you make is, no penalty now. I suppose, and I don't want to give -

Ms Tingley: I don't think there was an answer.

Mr Kormos: Yes. I don't want to give free legal advice, but I suppose there's a general penalty section in the Provincial Offences Act. But you're right, because you know what? I've talked to workfare, mandatory workfare - and this is the critical word here: "mandatory." We've also talked to voluntary people working in volunteer work. The critical distinction is the fact that this is mandatory.

You know what, Mr Klees? They're still going to join unions. Not all of them, because you don't get organized. Unions don't go out there and force themselves upon workers, like Bill Clinton on Monica Lewinsky.

Mrs Pupatello: That is alleged at this point.

Mr Kormos: Ha ha, yeah.

People join together and either decide to sign union cards or not. Unions don't force themselves on working people or on workfare participants, and they're still going to do it. Go ahead.

Ms Tingley: I just wanted to add I've been a long-time community volunteer. I've sat on hospital committees. I've volunteered in pediatrics. I've volunteered with the school board. I was quite proud to belong to the hospital auxiliary of my hospital, which is, I guess, an association of volunteers that in fact has a seat on hospital boards often and is a historic association. I'm not quite sure, actually, if there is a participant in a hospital whether they'll actually - you cannot volunteer in a hospital without belonging to the hospital auxiliary, so I don't quite know -

Mr Kormos: People can organize themselves clandestinely. If that's what this government wants, it will create an opposition that's even more formidable. Perhaps all the better.

The Chair: Thank you very much for your presentation. We very much appreciate you coming forward today.

Mrs Papatello: On a point of order, Mr Chairman: I just wanted, for the record, for perhaps the Chair to clarify actually that all of the comments and statements that are made by the Lieutenant Governor of Ontario are actually scripts that are handed to her and not the opinion or the text of the Lieutenant Governor herself.

The Chair: We can find out that information for you, yes.

Mrs Papatello: That is the case. I just wanted to clarify that for the participant.

The Chair: You were clarifying it, or you were asking me to clarify it?

Mrs Papatello: I just wanted to clarify that, actually. That isn't her text. The Lieutenant Governor wouldn't write that kind of script that she reads.

1440

HEART AND STROKE FOUNDATION OF ONTARIO, CORNWALL AREA OFFICE

The Chair: We would call our next presenter forward, a representative of the Heart and Stroke Foundation. If you could identify yourself for Hansard, we would greatly appreciate it. Thank you for coming.

Ms Susan Adams: Thank you for the opportunity to be here. My name is Susan Adams and I am the office manager of the local Heart and Stroke Foundation of Ontario area office. I think I should preface everything I have to say by pointing out that the opinions I'm expressing are my own opinions and based on my experience with workfare placements. They are not necessarily the opinions of the Heart and Stroke Foundation of Ontario or of the Heart and Stroke Foundation at all as a whole. So I am perhaps expressing my narrow view from my experience in my office.

Also, before I begin, I do want to point out that I've experienced some confusion and perhaps frustration in the setting up of this meeting. The first information I had was in the nature of an invitation to come and speak to the minister and representatives from the ministry, to tell them my experience and how workfare was going from the point of view of a placement site and even possibly a visit to the placement site.

Only within the last few days - and I realize that summer vacations have interfered here a little bit - did I learn that in fact this was a hearing on Bill 22. I asked for information on Bill 22 and was promptly provided with the information that was provided to the local placement office. It wasn't the bill; it was in fact basically a perspective of what the bill was supposed to be and do. In other words, it was all the nice stuff that was supposed to be fixed by this. I had to request again to actually have a copy of not only the bill faxed to me this morning but the bill that it was set out to replace. So you'll understand that I'm experiencing some frustration and working from an agenda that has changed rapidly in the last few hours even.

Thank you to the people who did try to help me understand. My local community placement office was very helpful. They were working with the information they had. I was given to understand that this is not a usual procedure for this committee or hearing situation, that my experience was unusual.

Mrs Papatello: Can you elaborate or explain?

Ms Adams: I was told, I think by Mr Arnott's office, that there usually isn't this kind of confusion surrounding things. I'm getting the impression that it's a bit unusual to have this confusion happening,

but it was confusing for me.

Mrs Pupatello: This bill is unusual.

Ms Adams: I'll speak to that later.

To continue, just to give you a bit of an oversight, the Heart and Stroke Foundation has area offices all over the province. Our office serves Stormont, Dundas and Glengarry. We have three chapters and we serve them out of a very small office. We have a staff that ranges from two to about two and a third full-time placements, and some of that is contract that isn't even full-year contract.

We depend very heavily on volunteer assistance to accomplish the many, many things that need to be done at the administration level in that office. We provide administration assistance to our volunteer committees and we also make significant use in our situation of co-op placements from colleges, alternative schools and high schools. So we are able to offer, I feel, a very good placement for Ontario Works participants because we have experience in training people at times who have very little skill levels. You must understand that volunteers come to us looking for skills. We have experience with people who are unemployed and looking to set themselves up to be more employable. We have a small, intimate office setting that allows for one-on-one contact.

My experience of this program, as a not-for-profit placement, has been, on the whole, positive. However, it's quite true that not-for-profit cannot provide the spectrum of workplace experience that is required by those people who are on welfare and need to get their skill sets put together for the workplace. What we often find is that these people, at least at this point, especially given that the workplace environment has changed - we have a fragile but growing work atmosphere that's more positive for employment. What we have on welfare and what we experience is people whose lives are just not going well. They have significant barriers that prevent them from being able to acquire and hold a job. They have things going on in their lives or things going on with their health or things going on with their families that are providing them with significant barriers. They haven't got training, and of course the access to adult education has been significantly affected lately negatively in that these people don't have as much access to adult education as they once did. It's not as available, it's not as easy for them to access.

As I said, our experience is largely positive, we find these people have a lot to contribute, but we deal with problems here. We deal with people who have transportation problems. We deal with people who have daycare problems. We deal with people who have significant mental health barriers to their doing a 9-to-5, day-after-day job. We have, in my view, anger management problems, we have manic-depressive and chronic depression problems with these people. We have even diagnosed schizophrenia with paranoid and excessive-compulsive behaviours. The most pervasive problem is paralyzing low self-esteem. So when they come into my office they're a mess. They may have taken computer courses or even worked in an office setting, but they're a mess. They often just haven't got what it takes to handle even a part-time job. They may be on the road to getting there, and we feel we help a lot of them get towards that goal, but these people would have found a job if they had had the package they needed to acquire it and keep it.

What I believe we need is not just a workfare program but an integrated approach in the community, an integrated approach involving health care. They need easy and consistent access to mental health counselling, not just, "If you're suicidal we can probably get you in next week." We need a health care approach here. They need counselling. We need a daycare approach that's consistent, available and quality. We need public transportation. It's well and good in the city centres to say, "OK, you have to work," but I come from a rural area. Believe me, it's a better place to live, at least in my opinion, but there is no public transportation. If they don't have a car they might as well be on an arctic ice floe.

We also need a workers' compensation approach that is integrated and that recognizes that some of these people need something more than welfare to bridge the gap and to offer them a space to get the counselling and so on, health care that they need, before they are pushed back into the workforce.

As for Bill 22 specifically, the only reason I can see that any union would even worry about these people is sabre-rattling. So in that sense I support the bill. OK, we don't want them unionized, but it mystifies

me why in any other sense unions would even want to be involved with these people. They present a multitude of philosophical and practical problems for unions. First of all, the whole tenet of unions has been no short-term or part-time work. This flies in the face of their whole rationale for years and years. They want full-time permanent work for their members and they don't want anybody getting in the road of that. The inability alone of these people to make union dues payments on a level with the other members - it doesn't even make sense. The significant cost of grievances that these people will cause their union if they're treated as full union members - listen, if you want the unions to go down, put them in there; they're going to go down.

1450

Having said all that, very small business is the logical home of these work placements, and not just for union reasons. Unions are generally not present in very small businesses. I'm talking businesses of 20 workers and less, very small business. They are the only placements that I can see that can offer these people the kind of understanding they need, because they are going to have to understand so much about what these people are bringing in baggage to their work placement.

That brings me to a third point, and that is the extension of welfare to the private sector. I have significant reservations about this initiative, both as a not-for-profit placement and as a former small business owner.

First of all, move forward with caution. That's my overall cautionary note. The tentative and fragile gains that we have made in battling unemployment this far mean that Ontario Works candidates who are there, the pool that is there at this point, who haven't found jobs yet, really need significant amounts of training, emotional support and patience, not only in terms of what they have to say about themselves and the time they take in the workplace just dealing with life but also patience in terms of their productivity and just general life skills. Whether they can even get there on time can be an issue. I'm not sure that private employers, generally speaking, have the resources to absorb that at this time.

I also would mention that it seems to me that seasonal jobs must receive very special consideration. If a workfare placement in private sector is linked to employment after the workfare placement is over, seasonal employment can cause some really significant problems. It's often where a lot of these jobs may be available, but it cannot necessarily meet the same requirements for true employment after the placement that other regular job opportunities can.

The extension to the private workplace will absolutely necessitate the bolstering of the support provided by our community placement agencies. Local municipal taxpayers cannot afford to beef up those agencies at the local taxpayer cost. We depend on these people and they're doing a good job with the resources they have at hand now for the not-for-profit placements, but private business will probably demand more. They aren't as experienced dealing with underskilled people as we are with our volunteers and our co-ops and so on.

My concern is that we will be putting a heavy demand on our local community placement agencies without giving them the resources they need to actually meet that demand and meet the expectations of the program. Without that significant support - and it shouldn't be placed on the local taxpayer, especially with the burden of amalgamations hitting them at the same time - I really feel this should be moved far more slowly. But then this government's heard that story before. Move slowly and make sure that the support is there.

Again, to reiterate, also in the other surrounding and integrated aspects - the health care, the day care, the public transportation and the understanding in terms of rural people to support their transportation needs.

Finally, as a not-for-profit agency we have significant concerns regarding extension to the private sector in that we wonder whether qualified candidates will have any interest in a not-for-profit placement if the possibility of employment is that much higher in private sector placements.

While we understand and support the intent of the program - in other words, getting these people back to work - we cannot help but predict that this will significantly reduce the number of workers in the pool

that we have access to, as well as the quality of their skills and ability to actually benefit from a placement.

I thank you for the opportunity to speak to you this afternoon and I welcome any comments that you might have.

The Vice-Chair (Mr E.J. Douglas Rollins): Thanks for your presentation. We have approximately five minutes per caucus and we'll start with the official opposition.

Mrs Papatello: Thank you so much. I can't tell you how pleased I was to hear your comments, every part of your presentation today. I just want to tell the government, you should listen to this woman, along with the balance of many others we have heard from in our travels, as expensive as they have been. What you would do, I would think, with the over \$700,000 it has cost us just for this one bill - what you and the other agencies we've heard from would do with that kind of money to really move people into communities, into real jobs. It's astonishing to think we've squandered away that kind of money in this charade.

I was really fascinated by your comments about how you came to be here. I see the kind of interference by the minister's office to somehow make this thing look as though, "We're calling you to come and talk to us about what a wonderful workplace you have for workfare," when the purpose of this bill and the hearings of this bill through the justice committee, organized through the clerk's office, which is supposed to be totally separate and apart from the propaganda machine in the minister's office. The people who have come today should have known and been told very clearly, "This is Bill 22 public hearings. This is the bill. This is its intent," instead of getting fooled by the minister's office and the political staffers to go into communities that you're spending an awful lot of money to send us to, to go searching and digging around for the 3% of all the welfare recipients in Ontario who are even touching a workfare program, because 97% are not. So you've got to go digging around to find them to begin with and then you fool them by calling them and telling them to come here and talk to us about what a wonderful place you've got.

And the purpose of these hearings is to talk about Bill 22? It's galling for me to watch this happening. This is not the first presenter who's come here completely misguided, with a completely different set of instructions from the phone calls, who landed here. The woman who was here earlier this morning said: "I've never seen this bill. This is just one page. What did you ask me to come here about this bill for?" She actually said that this morning because she was told that she was coming here to talk about the joys of her site and her workplace for workfare. That's the kind of propaganda machine we've got operating at Queen's Park.

It wouldn't be so bad if the PC Party were paying the bill. I mean, they're the government, making all the money with their political fundraisers and all. No, this is the Ontario taxpayer. So you and I, all the New Democrats, all the Liberals, all the non-political people who pay taxes are paying for this propaganda machine - over \$700,000.

In fact, just the House debate on Bill 22 so far, at the government's estimate of \$100,000 per hour to operate the House, seven hours of debate, that's how we get to the \$700,000, which is a given because it's the government's estimate of the cost. Not to mention that my ticket alone just for this little excursion to Cornwall, just for the plane ticket from Queen's Park to Sudbury, a brief stop in Ottawa, and here - \$842. But it's not just me. Nineteen people were in Sudbury yesterday; a smaller group today. That is the kind of money that they are squandering away instead of looking at real issues.

I have to tell you I was most impressed by what you itemized as the real needs of people who have to get into the workforce. It was so familiar to me what you were telling me. It was so familiar.

Do you know who said they were taking care of those issues? This man right here, who is the parliamentary assistant who was seated at the table at the hearings, said, "That's exactly what we're doing." He said, "We're taking care of day care, transportation, all those things you talked about." This man right here said they were doing that. And here you are, in the real world in this Cornwall area, discovering that those things in fact are not happening.

But your ministry political staffers had to go scrounging around digging to find the only 3% of all of the welfare recipients who are anywhere near a placement. And yet we come and find one, and you're still not meeting the things that you said you were doing.

I want to tell you, as I just wrap up my five minutes here, that Christine Whitman is the governor of New Jersey. A few years ago their political right-wing Republicans starting doing her scripts for her, and do you know what she started saying? "Promises made, promises kept." So you fast-forward to the last budget of Ernie Eves right here in good old Ontario and read what was written for him by the political staffers here: "Promises made, promises kept."

There we were in Sudbury yesterday, spending an inordinate amount of money to go there to hear the PC candidate launch in all his diatribe - because they actually got the candidate to say, "a place to live and work and raise a family."

1500

The Vice-Chair: Sandra, you've exhausted your time.

Mrs Papatello: That's what I got out of next year's Whitman catalogue in the Republican state of New Jersey.

Ms Adams: May I make a clarification?

The Vice-Chair: I'm sorry, that's the way the time goes.

Mr Kormos: Go ahead.

The Vice-Chair: If she wants to take it off your time, that's OK.

Ms Adams: A brief clarification point: I was never under the impression this was a bring-and-brag. I was under the original impression that I was asked to come here to make the minister and delegates aware of the true situation from the perspective of a workplace. And yet I stand behind everything else I have said.

Mr Kormos: At the end of the day, I think you've made a very valuable contribution to the process. But when were you first contacted about the committee?

Ms Adams: I've been on holidays two of the last three weeks. I have no clue. I cannot tell you off the top of my head. I would defer to Carmen Cousineau, our local placement agency director, but I think it was about three weeks ago.

Mr Kormos: You say you would defer to Carmen Cousineau. I don't understand the connection.

Ms Adams: She's the original connection. She was the original person who contacted me and asked me if I would be interested in meeting with representatives -

Mr Kormos: There's no problem with that. Her representation to you was that this was to be a meeting with the minister?

Ms Adams: Yes. I've since confirmed with her that she was working from the understanding she had at the time. That was the understanding she had been given. She was asked for names of agencies and she knew I was comfortable with public speaking and so on and would be comfortable. We've had some very successful work placements and have worked with the program very well and were one of the first placements in this community.

Mr Kormos: You say it was only today that you found out about Bill 22 as the subject matter.

Ms Adams: No. I was on holidays last week, so when I came back from holidays on Monday - although I did give Carmen my home phone number and say, "If anything changes you can call me at home" - that's when I heard it was about Bill 22.

Mr Kormos: How did you discover that?

Ms Adams: Who told me? I can't remember whether it was Carmen or Paul Berry from the clerk's office.

Mr Kormos: Did you know what Bill 22 was?

Ms Adams: Hadn't a clue.

Mr Kormos: Did you indicate that to anybody, that you didn't -

Ms Adams: Yes. "OK, tell me what it is, folks. Give me some literature." Carmen delivered immediately. She got the information, she delivered it to me. I think we were both under the impression it would include a copy of the act. It didn't. When I took it home to read it Monday night - I did not have time at work - I found it wasn't the act. Or was it last night? Anyway, I went on the Net to try to get some information from that. I'm not a really comfortable Net user and could not pull up Bill 22 or the Ontario Works Act, which I also wanted to see. I never did actually receive the Ontario Works Act.

Mr Kormos: Bill 142.

Ms Adams: And Marsha someone, I think it was Marsha, called this morning to confirm my time - which was changed a couple of times even since getting here - and said, "OK, are you ready to go?" I said, "Yes, but I'd really like to see Bill 22." She faxed that to me at least.

Mr Kormos: Ms Papatello already referred to a participant this morning who narrated a similar fact situation to yours. Yesterday up in Sudbury, fair enough, we had the Tory candidate in the by-election up there, but then we had two small business people, both of them very competent and entitled to views which very much conflicted with mine, or mine with theirs. But one of them, Mr Kennedy, talked about how he was supposed to have received some information, a package of materials, but it never got to him.

He was a little, dare I characterize it as "miffed" about it. He didn't want to say who. I thought maybe it was the Liberal member up there, Mr Rick Bartolucci. I thought maybe his office had been asked for it. Maybe it was Shelley Martel's office that had been asked to forward it. I thought: "Uh-oh, where angels fear to tread. Don't ask because he's going to say, 'I called Rick Bartolucci's office,' or, 'I called Shelley Martel's office.'" But it was neither of those offices that were requested of it.

Ms Adams: I was told I would receive information and contact from Noble Villeneuve's office. To the best of my knowledge - and again, the interference of holidays is always there - I did not receive anything from Noble Villeneuve's office.

Mrs Papatello: Can I ask where you live?

Ms Adams: Where I live or where I work?

Mrs Papatello: Where do you live?

Ms Adams: I live near Chesterville. I live right out in God's country.

Mrs Papatello: Whose riding would that be?

Ms Adams: Noble Villeneuve.

Mr Kormos: Noble's riding.

The Chair: Thank you very much. We now move to the government members.

Mr Klees: First of all, let me apologize to you for any confusion that there may have been around your invitation to be here. I can assure you that our interest is simply hearing from people who have first-hand experience with Ontario Works.

This bill, while focused on one particular aspect of Ontario Works, elicits a great deal of discussion about the Ontario Works program generally. If you have been following or care to look at Hansard on the discussion relating to this bill, you will see that neither Ms Papatello nor Mr Kormos keep themselves to the discussion of the narrow piece of legislation that's before us; rather, 99.9% of their discussion relates to other matters and to a large degree it's an attempt to annihilate the good intent of the Ontario Works program.

Mrs Papatello: Don't impute motive on my part. That's inappropriate.

Mr Klees: So for you to be here and share with us your first-hand experience -

Mrs Papatello: Chair, I would ask you to rule on that. That is inappropriate language. There's not one thing that either Mr Kormos or myself have said that would impute motive on the part of any individual and I don't think that I would be subjected to the same from the parliamentary assistant who is acting on behalf of the minister today.

Mr Klees: In the interests of time, Chair, I'll withdraw that.

Mr Kormos: Chair, if I may, I've never imputed motive at all. I've stated it outright.

The Chair: Thank you. The member has withdrawn.

Mr Klees: I'm happy to withdraw in the interests of getting on. I think that what is important is that you've come. You've shared your experience and that is welcome.

Mrs Papatello went into somewhat of a rage, as you observed, and leveraged from your comments about the reference to things like transportation and day care. I'm happy to hear from you on that. We have members of staff here observing these proceedings. An integral part of the Ontario Works program is to provide transportation, so if someone has a community participation opportunity, there is funding within the program and the policy design of the program is to provide transportation. It is also to provide day care. No one would be asked to participate in a community participation opportunity without also providing the appropriate day care support.

If you're finding there is a shortcoming there, I would be pleased to hear from you and I'm sure that even following this meeting, if you would care to, I will introduce you to staff and we should talk about that. That also is an opportunity and one of the purposes, quite frankly, of having public hearings, because we can get that kind of very practical input from people who are experiencing the difficulties. We'll deal with that because we want to underscore, not only for you but for other people in this province, that this program is intended to address those barriers that people are experiencing in their lives to keep them from moving on to getting a job.

1510

You rightfully talk about transportation, day care, training, skills training and so on. That is all very much part of the Ontario Works program. You make reference to the fact that many of the people you meet who are referred to you have difficulties in their lives and couldn't maintain a 9-to-5 job because there are difficulties. That again is what this program is all about. It's recognizing that everyone is at a different stage in their life. Some people just have to be given an opportunity to gain some self-confidence and, as you say, to learn to show up. Some people, because of circumstances in their lives, have lost that.

For an organization to come forward and offer to take a community placement for two hours, three

hours, five hours a day, maximum 70 hours a month, that is the partnership, if you will, that makes Ontario Works what it is. It's a matter of ensuring that people have an opportunity to move back into that kind of face-to-face contact with people in their community, because many people have lost the self-esteem, the self-confidence to which you refer.

Ms Adams: Mr Chair, on a point of clarification, if I may: My concerns regarding day care and transportation are not so much directed to the time of placement, the duration of placement under Ontario Works. I haven't experienced great difficulties in that regard. Mind you, I only get people who have access to public transportation. Nobody's coming in from the counties to work with me. My expression of concern there is directed to making that next progressive step to employment and what happens with the day care and transportation needs as they roll off the end of the Ontario Works placement and roll into part-time or full-time employment. I think that's where I'm asking that.

In order to make Ontario Works do the job it needs to do, there has to be an extension of attention to day care and transportation, but more importantly than that, if you want to pick one of the three, pick health care. I have had to have the "seek help" conversation with some of my placements. They need counselling, significant and extensive and well-trained counselling that I cannot do for them.

I am constantly in a situation of asking myself, because I'm being paid to do the job I'm doing and to see that the work gets done: "Can I afford to keep this person? Can the Heart and Stroke Foundation afford to pay me to keep this person working here or have they come to the point where they're not producing enough work to justify the time I'm spending keeping them working at it?" That's callous and you often find yourself asking if you need to dismiss someone to whom that would be a devastating blow and who really isn't doing anything wrong except trying to cope with a very shattered life.

Mr Klees: Thank you very much for that clarification.

Ms Adams: Thank you again for the opportunity to speak with you. I appreciate the opportunity, as confusing as it has been. I hope that all the best comes out of the work of this committee.

Mr Kormos: On a point of order, Chair.

The Chair: Just prior to your point of order, Mr Kormos, I'd like to let the members know that in regard to the amendments for the August 19 sitting, which takes place at 1 o'clock, if we could have any amendments submitted to the clerk by 10 am of that day, that would give him enough time for distribution of the information.

Your point of order, Mr Kormos.

Mr Kormos: We heard today from Ms Adams, who just left - didn't leave the committee room but left her seat here - and Ms Laperrière this morning. Both of them, I say, were incredibly candid, straight as an arrow, thoroughly unimpeachable, thoroughly honest and with no ulterior motive or secondary motive in appearing here and in what they said, and I respect their views. However, I tell you, Chair, I find what they had to say about the manner in which they got here somewhat troubling. Ms Laperrière wasn't questioned, quite frankly, to the same extent that Ms Adams was about the manner in which she got here.

The Chair: Your point of order is?

Mr Kormos: Yes, sir, please. I'm going to be as brief as I can, but I'm deadly serious, because I'm extremely concerned about what may have happened here. I want to be very careful in saying "may have happened." I say to you it's tantamount to - it's not the same as but tantamount to - a British Columbia politician who wrote letters to the editor under a nom de plume, and the interference with process that that was obviously demonstrative of.

I link this with the suggestion yesterday - and again, we didn't have as much information yesterday in Sudbury as we have here today. Mr Kennedy, however, gave the clear impression - he was the second business person, remember, the carpenter, who gave evidence, if you will - not evidence, but he spoke to

the committee. He spoke about not having received a package. I made reference to that in my comments regarding Ms Adams.

I can't say this about Sudbury, because we didn't ask the right questions of either Mr Kennedy or Mr Niro, the other small businessman, the tavern owner. But after today it appears that certainly in the case of Cornwall - and again, I don't dispute the right of Ms Adams or Ms Laperrière to appear here. I don't agree with everything they had to say, but they said it with great candour and I don't dispute their right to be here. What I find of concern, and this is perhaps the crux of it, is that Ms Adams indicated that she was contacted by one Carmen Cousineau, whom she identified, if I recorded it correctly, as the head of the community placement service. Therefore, Ms Cousineau is part of the delivery process. I don't know who she is; I don't know who she works for. At some point, one way or another, she's being employed by the government, either on contract or through a local MCCS office, but as a delivery agent. It appears to me that somebody somewhere has been utilizing the civil service for very partisan purposes.

I ask you to reflect on some of the rulings that the Speaker in the House has had to make with respect to very similar and parallel situations. It appears that Ms Cousineau has done nothing wrong. I want to make that quite clear. I don't want to in any way indict her or suggest that she has done anything improper. But it appears that political people have prevailed in this instance upon Ms Cousineau to produce people who could speak about their workfare experience when this isn't even a workfare bill. It's Bill 22; it's the anti-unionization bill.

This is consistent with Mr Carroll's motion yesterday, which he withdrew, that we visit workfare sites, with Mr Klees's motion today, with Mr Klees's lunchtime meeting with local providers of the service. Again, I don't dispute Mr Klees's right to do that, but I do tell you this: Mr Cleary was at that lunch, he tells me, as he appropriately was. He's the local member; he has been active and involved in supervising it. It appears that Cornwall has a distinctively different experience with workfare than most places in Ontario. Among other things, there's a higher degree of volunteerism. I just want to mention that. I also found it interesting that Mr Klees wanted to do his photo op, and Mr Cleary, the local member, who's accountable to and responsible for his community, was left sitting aside.

What I'm speaking of is political interference with the civil service here. I think a very serious problem has arisen about the use in this case of Ms Cousineau by somebody somewhere to put a political spin and in fact obfuscation of the real issue, which is Bill 22. For them to be told this is about workfare and they'd be meeting with the minister and just some sort of committee was a less than candid, less than forthright representation. I don't think it came from the clerk's office. The clerk's office doesn't do that. It's not their function, it's not their job, and I don't believe they did it. I believe it came from somewhere else.

I believe, Chair, that this warrants an investigation by you as the Chair into what has happened here. My fear is that there has been an abuse by the government of its power, implicitly and explicitly, over in this case Ms Cousineau, and that they are abusing the process within this committee.

Mr Klees: I'll speak to this very briefly, Chair, and I'll leave it to you. Let me say, first of all, that Mr Kormos is drawing some conclusions that are not necessarily anywhere near the mark.

With regard to invitations that may or may not have been extended by anyone employed by the government either directly or indirectly, quite frankly, we did have a meeting at noon today, to which I invited Mr Kormos and Ms Papatello, who both refused to come, to meet with a local committee of individuals who were involved in the Ontario Works program. I extended that invitation to Mr Cleary, who was kind enough to attend.

Yes, we had asked staff, as I do as a parliamentary assistant with responsibility for Ontario Works, to gather together today a number of people who could provide us with insight into the Ontario Works program. The fact that we have a committee hearing here to which an individual - the witness indicated herself that she wasn't sure of the circumstances or the timing because she had been on holiday. The fact that the detailed package relating to the meeting that was taking place may not have been as succinct as it could have been or did or did not include a copy of the act - and I don't know, Chair. I don't believe that any witness to this committee ever has received a copy of the act from the clerk or someone who has

been invited. I don't know that that has ever been procedure. Maybe it should be but it certainly hasn't been, and it in no way affects whether the appropriate process has been taken here.

Whether Mr Kormos believes that Bill 22 has anything to do with workfare or not is quite irrelevant and it's probably most indicative of how he views the world. For him to come here and say that Bill 22 has nothing to do with workfare shows that he too is in some other world and some other universe; in fact it's at the heart of it. Surely it's most appropriate -

Mr Kormos: What did you sell before you got elected, Frank?

Mr Klees: I let you finish.

The Chair: Order.

Mr Klees: It's most appropriate -

Mr Kormos: Was it the Home Shopping Channel?

The Chair: Order.

Mr Klees: It's most appropriate for witnesses to be asked to come forward to speak to the issues of Ontario Works because they directly affect Bill 22.

I leave it with you, Chair. I think Mr Kormos is on the wrong stuff here and is fishing and he's going to catch himself if he's not careful.

The Chair: I will report back at the beginning of next week's hearings. That recesses today's hearings until Monday of next week.

The committee adjourned at 1522.



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Committees

Standing Committee on Administration of Justice

2nd Intercession, 36th Parliament Issue J-13
Monday 17 August 1998 | Lundi 17 août 1998

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Staff / Personnel Mr Avrum Fenson, research officer, Legislative Research Service

The committee met at 1002 in the Best Western Wheels Inn, Chatham.

PREVENTION OF UNIONIZATION ACT (ONTARIO WORKS), 1998

LOI DE 1998 VISANT À EMPÊCHER LA SYNDICALISATION (PROGRAMME ONTARIO AU TRAVAIL)

Consideration of Bill 22, An Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act, 1997 / Projet de loi 22, Loi visant à empêcher la syndicalisation en ce qui concerne la participation communautaire visée par la Loi de 1997 sur le programme Ontario au travail.

The Chair (Mr Jerry Ouellette): I call to order this meeting of the standing committee on administration of justice hearings on Bill 22. Just prior to our first presenter, at the last meeting of the committee on Wednesday, August 12, 1998, a matter was raised by the member for Welland-Thorold as a point of order with respect to alleged interference in the process by which witnesses are called to testify before this committee during its hearings on Bill 22. The member requested that I, as Chair, investigate the matter.

I reviewed the draft Hansard transcripts of the committee's proceedings of last week, including the remarks by the member for Welland-Thorold. I have had no evidence presented to me to support findings in favour of either a point of order or a point of privilege with respect to the matter raised.

According to the committee's own guidelines, witnesses are properly contacted by the committee clerk's office on the committee's behalf and invited to speak at our public hearings on Bill 22.

Having said that, I would, as Chair, express my serious personal concern if it appeared that witnesses called to testify before this committee were being harassed, coerced or intimidated, or if the integrity of the committee's public hearings process were compromised by any such actions.

Mr Peter Kormos (Welland-Thorold): Thank you, Chair. I, of course, don't quarrel with your ruling. I do note, if I may raise this before we proceed further, that in this morning's Toronto Star Janet Ecker from Durham region has criticized the local regional council for raising taxes, refusing to accept the government's responsibility as a result of downloading that necessitated that.

You'll recall last week that when Bart Maves, the MPP for Niagara Falls and the parliamentary assistant to the Minister of Labour, did that in Niagara region one of the local mayors wanted to give him a spanking. You're from Durham. I wonder if there has been any similar response with respect to any local mayors vis-à-vis Ms Ecker, or are we going to hear about it on Jerry Springer?

The Chair: It is not the responsibility of the Chair to report on spankings, Mr Kormos.

Mrs Sandra Pupatello (Windsor-Sandwich): Chair, given what you've just read to us, can you give us some idea of how the individuals in Cornwall had come to the committee to speak, when the information they provided us with indicated that they were called by what we guess are political staffers of the ministry and asked to come and speak to the minister at the hearings and tell us about the wonders of workfare in their community? How do you rationalize or explain that? Are we going to go into any of that discussion this morning?

The Chair: It's not the responsibility of the Chair to determine the exact procedure. What took place there was that the three parties presented a list along with the invited guest as listed through the advertising process to the clerk and then they were listed to present as such. If you read in the Hansard, I think that Mr Klees made a very fine definition of what had taken place there. It should be your responsibility to review Hansard to determine the answer that was already given.

Mrs Pupatello: Just on a further point, Chair: The issue isn't ultimately what happened once they were all listed on the list. It's how some of them came to be on the list in the first place, in that they were responding to a call from the minister's office.

The Chair: I've already given the ruling on that and there is no debate on a ruling once it has been presented.

WINDSOR AND DISTRICT LABOUR COUNCIL

The Chair: We'll call our first witness. If we could have the representative or representatives of the Windsor and District Labour Council come forward. If you or your group could identify yourselves for Hansard, we would greatly appreciate it. Just so you know, there's a total time allocated of 20 minutes. At the conclusion of your presentation, any time remaining is divided equally between the three caucuses. Welcome and thank you for presenting today. You may begin.

Mr Gary Parent: Thank you very much, Mr Chair. My name is Gary Parent. I am the president of the Windsor and District Labour Council. I can tell by the temperature in this room that we won't have problems with people nodding off. It probably is one of the reasons that brought us here today. It's already notoriously out there that this is a Sleeping Beauty bill. I just hope that people will be paying attention to what we're talking about because it is very serious as far as we're concerned.

I want to, on behalf of over 42,000 affiliated members of the Windsor and District Labour Council, thank you for the opportunity to make a presentation to the standing committee on justice on Bill 22, the Prevention of Unionization Act (Ontario Works), 1998, which was introduced on May 14, 1998, by the Minister of Community and Social Services.

We want to state right up front that we regard Bill 22 as the latest example of the contempt this government has shown for the institutions and practices that are our common heritage in this province. This contempt has also been seen in the government's attitudes and actions towards the labour movement and people on social assistance in this province.

The record of contempt shown by this government to our parliamentary traditions of providing opportunities for elected representatives and citizens to have input into proposed legislation is mind-boggling. There was the experience of megaweek in January 1997, where in one five-day period the government tabled a series of proposals to alter in a substantive way the arrangements for support and services between the provincial and municipal government. New rules governing debate in our Legislature were rammed through in 1997.

There was the undemocratic use of regulation, the so-called Henry VIII clause, in such important pieces of legislation as the Savings and Restructuring Act, Bill 26, and the Fewer School Boards Act, Bill 104. Another example was the use of time allocation on major pieces of legislation. It was used on 12 bills between October 25, 1995, and October 6, 1997.

During this same period time was limited for public consultation on eight pieces of legislation. The most blatant attack on labour was that no public consultation days were given for Bill 7, the Labour Relations and Employment Statute Law Amendment Act. I might say to this committee that what this has done in our community is that we have a small strike, 35 women who have been on the picket line for some six or seven weeks. The agency that is in a direct relationship to this particular group of workers hired goons, scabs, to go and do their work dressed in army fatigues. They had batons, they had lengthy flashlights, which resulted in confrontations on the picket line. This is the type of action that Bill 7 provokes, when talking to the whole question of the labour relations climate in this community, from 35 women in Windsor, Ontario; not somewhere else, but Windsor, Ontario.

We believe the purpose of Bill 22 is to ensure that the employer friends of this government are given access and the licence to exploit the conscripted labour of their fellow citizens under the guise of workfare. Groups or individuals not subscribing to this view will be ignored.

We feel Bill 22 should be seen for what it is: this government's latest attack on the labour movement as well as some of the most vulnerable citizens in this province, those on social assistance. This attack on labour is unfair and unnecessary, yet we are attacked because our movement is an open, democratic institution with a social conscience and a belief in human dignity. The existence of such an institution poses a threat to the closed, authoritarian, corporate mentality which controls this government.

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Quite frankly, we feel that Bill 22 violates the spirit and letter of the law in the Canadian Charter of Rights and Freedoms in such areas as section 1, guarantee of rights and freedoms; section 2(d), freedom of association; section 7, life, liberty and security of person; and section 15, equality rights, all of which we feel will surely result in a legal challenge to this ill-conceived piece of legislation.

Also, Bill 22 violates the spirit and letter of the International Labour Organization, ILO, human rights core conventions: 29: forced labour convention; 87: freedom of association and protection of the right to organize convention; 98: right to organize and collective bargaining convention; 100: equal remuneration convention; 105: abolition of forced labour convention; 111: discrimination (employment and occupation) convention; and 138: minimum age convention.

Of these numbers, 87 and 98 form the cornerstone of ILO's international labour code. Canada was a founding member of the ILO in 1919. Canadian representatives at the ILO are drawn from government, business and labour.

Professor Jack Donnelly from the graduate school of international studies, University of Denver, remarked about Bill 22, "This bill is one of the clearest violations of international norms that I have ever seen in a country typically considered to be democratic." That is a terrible statement to be made to any government that would put in such pieces of legislation, in our opinion.

It is interesting to note that Minister Janet Ecker had stated throughout the entire implementation process that workfare would not be extended to the private sector, yet we see this now being proposed. The reason of course, we believe, is because it has failed in the voluntary and public sectors.

We have seen in other jurisdictions such as New York City, and I could also add Quebec, that 22,000 public works employees were laid off, and within two years 33,000 workfare conscripts were brought in to replace them. In a survey that was done of employers who had hired workfare recipients in Quebec, they would have hired full-time people if they did not have the opportunity to provide these people with what you would call some type of life skill. Full-time jobs have been eliminated in the province of Quebec as a result of their piece of legislation. This certainly isn't creating new jobs but in fact is part of a cheap labour strategy by this government.

Bill 22 throws us back to a time when workers had to organize illegally, and so in the end the government will not stop workers from organizing themselves.

The experience in the United States is that conscripted workers in workfare programs fight back. They are fighting back across the United States. One tool they are using is organizing themselves into organizations. For example, last November 1997, 17,000 conscripted workers in New York City's work experience program voted to be represented by an organization called the Association of Community Organizations for Reform Now, ACORN, and certainly this will happen here in Ontario. I can assure this committee that we will do everything in our power to assist them if required and requested.

In conclusion, let us state that we implore this committee to recommend the scrapping of Bill 22, seeing what it is really going to be doing to the people of Ontario, as well as the total workfare program, and engage in meaningful consultation with a wide variety of groups and individuals to implement labour market policies that would assist citizens in Ontario in their time of need and help build a future, which I believe everyone around this table is really interested in doing, and I mean that.

We will continue to resist workfare and we will support our fellow citizens in the fight for real jobs and for their human right to join a union if they so desire.

I thank you very much for the opportunity to make our presentation.

The Chair: That allows us approximately three minutes per caucus, and we begin with the third party.

Mr Kormos: Thank you, brother. You're quite right: You referred to this as the Sleeping Beauty bill. The narcoleptic Bob Wood slept through a vote, and as others like Ms Papatello are wont to explain to you, he was sleeping while others were doing any number of things: crossword puzzles, gazing off into the skyline, what have you.

But also remember that the opposition parties didn't call for what amounts to six days of public hearings on this bill. Bill 22 is receiving more public hearing days than Bill 142, which is the root so-called workfare bill. The only reason this is travelling the province for four days, at what again others will tell you is great cost, is because the New Democratic Party utilized its powers under the standing orders to compel.

This is the justice committee; this isn't the committee that considered the original Bill 142, the workfare legislation. This bill has no business in front of this committee. We had brought an application to have a 12-hour inquiry by this committee, as of right, into the role of the Premier, the Premier's office and the Premier's staff in the murder, assassination of Dudley George at Ipperwash Park. The committee would have been compelled to conduct that inquiry had the government not forced this bill on to the committee's agenda.

This bill effectively displaces our right, which we exercised, to have a committee, because it had no other agenda, no other business in front of it. This government was so desperate, and remains desperate, to avoid any investigation or inquiry into the role of the Premier and the Premier's office in the murder, assassination and homicide of Dudley George that it will go to any lengths.

It scrambled for the last two days publicly to find flacks who will talk good about workfare, even those who embarrassed the government when they acknowledged they weren't properly prepped. They felt set up. They felt duped.

I say to the Conservative members of this committee, please recognize what's being said here over and over and over again. This bill is illegal, it's unconscionable, it's immoral and it does absolutely nothing to either create jobs or get people into jobs when jobs aren't there.

Mr Parent: I think the other point it also raises, the whole question that ran through our brief, is the unconstitutionality of this particular piece of legislation. It has already been proven through the courts, as I understand it, that another piece of legislation in relationship to the whole question of 142, on the

single moms, common-law and having a male companion -

Mr Kormos: Spouse in the house.

Mr Parent: - has actually been ruled on, yet I understand that this government is looking at the whole question of possibly appealing that.

Mr Kormos: And this government's track record in court is not very impressive.

The Chair: Thank you, Mr Kormos. We'll move to the government members.

Mr Jack Carroll (Chatham-Kent): Mr Parent, it's nice to see you here this morning in Chatham.

Mr Parent: It's always nice to see you.

Mr Carroll: It's always great to exchange some ideas with you.

I had an opportunity last week in Wallaceburg to talk to a group of 15 young people who are involved in a work-for-welfare project in Ontario Works. I had an opportunity to speak to a group out at Rondeau Park, all of whom I believe now have found full-time employment through the training they got in the work-for-welfare program. Have you had an opportunity to sit down and talk to some folks who are involved in a work-for-welfare project in Windsor?

Mr Parent: What we've done in Windsor is that although it's called what everyone would call workfare, there's a little bit of a different slant to what we do in Windsor. We have built a model in Windsor, even though we do not agree with the whole question and the philosophical idea of forced labour. It's handled a little bit differently and it has provided, in our opinion, some people with an opportunity, through the model that's being used in Windsor, which is different possibly, as I understand it, in other parts of the province, to gain.

The other thing that's happened in Windsor, as you're well aware, Mr Carroll, is the whole question of the casino with now 1,400 new jobs, which obviously has a definite effect in trying to get people, as we've been saying right along, off of social assistance and on to full-time paid jobs.

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In saying that, I still don't see any concrete evidence in the city of Windsor that mandatory forced labour is the way to go to provide the type of training and to provide the types of life skills that are going to put people to full-time employment. When you're going to extend this into the private sector - we all hope to think that we all have good employers in Ontario. That's not been the history, and what you will see in Windsor is employers utilizing these particular individuals and not guaranteeing them full-time employment after, but using them in place of full-time employees. That's where we have a real problem. That's where, quite honestly and with the deepest of respect, we differ philosophically on this whole move, on the whole question of forced labour.

Mr Carroll: But we do agree, I think, that there are some folks who are in the welfare system who need some help to get out of it because their skills -

Mr Parent: No question. By the way, we were doing a very good job in Windsor before workfare even was implemented.

Mr Carroll: So the question we differ on is whether it should be optional to get that help or whether it should be mandatory to get that help. Is that really where we fundamentally differ?

Mr Parent: That's part of it. But part is also that there are no full-time jobs even at the conclusion of your particular type of forced workfare.

Mr Carroll: But is there not more likely to be if we have those folks get this training?

Mr Parent: What I'm saying is that the government fell way short in providing the type of training programs. You don't have to do it forcefully. You can do it with proper training programs, not something that may be good in the city of Toronto, because this is what happens. They're forced into specific training programs instead of viewing what is the need of a particular community. That is where the government should be looking, trying to see what the needs are in each community.

The Chair: Thank you. We now move to the official opposition.

Mrs Papatello: Thank you, Gary, for coming to Chatham. I guess I have to apologize on behalf of the government. This parliamentary assistant has made it very clear that the committee will simply not travel to Windsor any more. I think that's a credit to you and the rest of us from Windsor because they have a lot of trouble -

Mr Parent: We always give them a warm welcome.

Mrs Papatello: It was warm, that's for sure. They have a lot of trouble finding people from our area - and I'm from Windsor, obviously - to come and speak well of the government. Unfortunately, several people have had to travel from Windsor this morning, along with me, to be here for committee. I appreciate you doing so.

The last line of questioning that the parliamentary assistant is trying is this whole concept of volunteer versus mandatory. We were travelling with this bill in Cornwall last week. What was interesting is what the government will not tell you, that 97% of all welfare recipients today in Ontario are not working for their benefits. The government doesn't like people to know that. Three years after Mike Harris was elected with the major plank of making people work for their benefits, 97% are not doing so. If the public knew that, they would view that for exactly what it is: an absolute, abysmal failure of workfare. I think you and I agree on that.

You prefaced with remarks about the Sleeping Beauty bill. I just wanted to expand on that. To date the government has spent over \$700,000 - that's just the debate time in the House at the government's calculation of \$100,000 an hour; we've had seven hours of debate - not including the time and cost of sending 19 people to Sudbury through Ottawa, to Cornwall, and now we're here today in Chatham, tomorrow St Catharines and then Toronto again. That's over \$700,000 for a bill because one of their members fell asleep at committee last fall, one was out of the room, one was doing correspondence, one was reading the paper, and they didn't pass all their clauses. They have the majority on committee.

Because of that foul-up, the government has elected to make one clause, section 73, which they slept through - thereby the name Sleeping Beauty bill - into an entire bill, one page getting more hearings, as Mr Kormos mentioned earlier, than the original Bill 142 got in the first place, which was over 300 pages, a complete waste of taxpayers' money. They have no intention of changing - it's one page. What are you going to change? Obviously this is the clause they should not have slept through in order for them to get what they wanted.

Moreover, they could have brought this in by regulation. They could have done a number of things to save the taxpayer money. This from the gang that purports to be in favour of saving taxpayers' money. Here we are instead at a bill totalling, just so far, over \$700,000. How ironic from this gang of thieves, frankly, taking taxpayers' money to send us on a wild goose chase around Ontario.

The Chair: Thank you for coming forward for your presentation today. We very much appreciate your coming to Chatham.

Mr Parent: Thank you for the opportunity.

Mr Toni Skarica (Wentworth North): Mr Chair, I object to Ms Papatello referring to us as a gang of thieves. I'm a member of the Law Society of Upper Canada. If that was the case, I would be immediately disbarred. I think she should retract that.

Mr Kormos: Chair, let me join with Ms Pupatello in that - a gang of thieves.

The Chair: Order, please. Ms Pupatello and Mr Kormos, the phrasing is rather unparliamentary. I would ask you to withdraw those remarks, please.

Mrs Pupatello: I withdraw them on behalf of the member for Hamilton, absolutely.

The Chair: Mr Kormos.

Mr Kormos: Chair, the first thing this government did when it got into power -

The Chair: Mr Kormos, please.

Mr Kormos: - was steal 21.6% of the social assistance benefit from the poorest people in this province. Then they raised their salaries. If that ain't thievery, nothing is.

The Chair: Order, please. Mr Kormos, please.

Mr Kormos: No. That is theft. They stole from the poorest in this province to finance their tax break for rich -

The Chair: Mr Kormos.

Mr Kormos: I don't withdraw it.

REVEREND BILL CAPITANO

The Chair: We would call representatives of the Roman Catholic Diocese of London to come forward, please, and if you could identify yourself for Hansard, we would greatly appreciate it.

Rev Bill Capitano: Good morning, everyone. My name is Father Bill Capitano. I'm a priest of the Roman Catholic Diocese of London. I thank you for this opportunity to make a presentation this morning. In my presentation today I hope to show that it will be beneficial to allow those on Ontario Works to unionize. I will attempt to do this by presenting what the Catholic Church teaches as regards unions.

For the Catholic church, (1) unions are a necessary power group in our society; (2) unions allow workers to stand on their own feet; (3) unions allow workers to seek their own good; and (4) unions are instruments for creating a better social order.

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First of all, unions are a necessary power group. Labour unions are both legitimate and necessary in a capitalist or market economy. In a market economy, economic issues such as wages and conditions of labour are settled through the exercise of power in the marketplace, so it would be quite wrong to grant power to some of the parties involved and deny it to others. The labour union is a form of marketplace power for working people.

Second, unions allow workers to stand on their own feet. The Catholic church has insisted that if we are going to respect people's dignity, we have to let them speak and act for themselves. The labour union is working people speaking and acting for themselves.

Third, unions allow workers to seek their own good. The Canadian Catholic bishops, in their 1986 paper entitled "Supporting Labour Unions: A Christian Responsibility," say this:

"Without unions working people have no collective voice in our industrialized society. Through labour unions, workers are able to strive for just wages, decent working conditions, appropriate social benefits and a democratic voice in the workplace."

Fourth, unions are instruments for creating a better social order. On this point allow me again to quote from the 1986 paper on unions by the Canadian Catholic bishops:

"Along with other community organizations, labour unions have been a major factor in promoting some of the most progressive social legislation in this country, including medicare, social housing, unemployment insurance, health and safety regulations and consumer protection measures."

As you can see from what I have presented this morning, the Catholic church believes there are many, many advantages to being unionized. I call on the provincial government to change Bill 22 and allow workfare people to unionize both for the good of themselves and for the good of society.

Thank you.

The Chair: Thank you very much. That affords us approximately four minutes per caucus. We begin with the government members.

Mr Carroll: Good morning, Father Capitano. Thank you for coming and being with us this morning. I'm going to have a little exchange with you here, as one good Catholic to another good Catholic. Do I take it from what you have said to us this morning that the idea of work for welfare, to you, is not a bad idea?

Father Capitano: No. In fact, I made a presentation at government hearings back in April, when I voiced my opposition to workfare.

Mr Carroll: So you don't think that people should be asked or given the opportunity to improve themselves by doing some community work in exchange for their welfare cheque.

Father Capitano: That violates the United Nations.

Mr Carroll: So you object to the idea of work for welfare. You think, though, that if we are in fact going to ask people to work for their welfare, they should be allowed to join a union.

Father Capitano: Correct.

Mr Carroll: I'm going to paint a little picture for you. I would assume too from listening to this presentation and your tremendous support of the union movement that we could probably look for that to invade the Catholic church soon, and we'll have the priests and the sisters all unionized.

Let me talk about a group of people in Wallaceburg, 15 people in Wallaceburg that I met with on Thursday. They're all on welfare. They're all involved in a project where they are helping out with security regarding the people who come to Wallaceburg to visit. These are 15 people who are extremely proud of what they're doing. They are people who have a certain disadvantage right now and they need some help to get back into a better way of life, and they're very excited about that. They're very excited about the fact that somebody has given them an opportunity to improve their skills and do something.

It's really tough for me to say that the Catholic church is opposed to people having that kind of opportunity, and I think it is categorically a terrible position for the Catholic church to take. I hope you are only speaking on your own behalf.

Could you tell me how joining a union would help those 15 people, who by their own admission are having an opportunity, some of them for the first time in their life, to actually improve their lot in life, how joining a union could possibly be of any benefit to them?

Father Capitano: My whole presentation this morning was to draw your attention to the benefits of unions.

Mr Carroll: So would you propose then, Father Capitano, that they be allowed to go on strike? Would

you propose that those 15 people be allowed to go on strike?

Father Capitano: Well, yes. The Catholic church - again I'm trying to say not what I think, so, for instance, when I opposed workfare, I was quoting my own boss, Bishop John Michael Sherlock, who has said that workfare violates the dignity of people. I'm not giving my opinion.

Mr Carroll: Father Capitano, does going to work violate people's dignity?

Father Capitano: No, of course not.

Mr Carroll: Does having to go to work to get your paycheque violate your dignity?

Father Capitano: According to the United Nations - now, you tell me if the United Nations is wrong on this point - they say work should be freely chosen.

Interruption.

The Chair: Order, please.

Father Capitano: This is a point the United Nations make. Bishop Sherlock used that exact point in a presentation he made in London back in May of either 1996 or 1997; I'm sorry, I forget.

Mr Carroll: Excuse me, Father Capitano, is your work an option?

The Chair: Thank you, Mr Carroll. We now move to the official opposition, Ms Pupatello.

Mrs Pupatello: Father Bill, you have been quite active and vocal against workfare. I remember you well from the London hearings. That was just before the members fell asleep at committee when we were doing clause-by-clause in Toronto, as I recall, which was last fall. Unfortunately, this point has been lost on the government members. The only reason we're here in Chatham today or anywhere else in Ontario, after a cost of over \$700,000, is because the government members fell asleep and, with a majority on the committee, failed to pass a particular clause, numbered 73.

We now have a one-page bill, and ironically enough, the number of the subsection on the bill is 73, because it's the same clause. They could have brought it in by regulation. You might recall from Bill 142, the original bill, that there are several areas where it's left to orders in cabinet, as prescribed, that they could do whatever they wanted behind closed doors. Most of the significant changes that affect people on social assistance are being done by regulation. We don't know about it until it has already affected people, and that's how we find out. The same is true with this clause.

Instead they chose to launch major media advertising campaigns during those hearings. If you recall, they were launched in London the day we were there for hearings. That advertising campaign was \$800,000, which they did not have to spend. Now \$700,000 later - and that's just the count so far, not including all of our train fare, airfare, bus fare, hotel fare etc to go traipsing around for political propaganda, which is all this is. It should be repaid to the government by the Progressive Conservative Party. If they've got the money to be wasteful in this way, let the party pay for it and not the Ontario taxpayers, because that's all this is.

It went through the washing by the political masters at Queen's Park to even change the title of the clause, which originally was just a clause entitled "Community participation." It went through the wash and came up with this anti-union, slam another group while we're at it going around on the taxpayers' bill. That's what we've done here.

In the end, they've chosen to use taxpayers' money for self-propaganda of the party, which is all it is. What they won't tell you, and what I must tell every community I'm in, is that after three years of Mike Harris, after three years of the PCs being elected on their major plank, which was making people work for their benefits - that's what everyone understood, not any other nuance; it was that fancy little policy they wrote on the back of a napkin at the Bradgate Arms at some point during their campaign that

became the major plank that won it for them - three years later, 97% of the people receiving welfare today in Ontario are not in workfare. Of the 3% which we can find, we are discovering today those people are in voluntary programs; it's not mandatory, because the mandatory nature of it will not work.

The minister has had to recant and go, even in her own backyard of Durham, and say, "What can I do with you to make this work?" The people who actually have to mete out the program, who actually have to deliver programs, are telling her, "The only way it's going to work is this," and she has had to relent and allow it to happen.

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What they're doing is completely bogus. It is the greatest lie I have seen out of this government: to politically make people believe workfare is there, and it isn't, and to continue to propagate workfare as though it were something wonderful, and it isn't working, all at the taxpayers' expense.

You've been very consistent. I apologize on behalf of the government members for this badgering. They obviously do not like this kind of go to the heart objective against workfare, which you have presented very clearly, not just this first time but again at Bill 142.

The Chair: Thank you, Ms Pupatello. We move to the third party.

Mr Kormos: Thank you, Father. I left not out of disappointment in you but because I didn't want to be associated with some of the comments the parliamentary assistant was making, especially when I reflect on the role that has been played in the Catholic worker movement and the worker-priest movement internationally and the sacrifices that have been made by some of those very people, the losses of life, the succumbing to brutal violence, by Catholic priests and nuns and brothers in the course of helping workers internationally. I find it difficult to treat the issue of your comments from a Catholic perspective frivolously.

But I also want to raise this: We live in an economy which protects high levels of unemployment. You'll recall in the fall of last year when unemployment stood a chance of dropping below 9%, the federal government and the Bank of Canada reacted promptly, more promptly than they've reacted to anything in a long time. They raised interest rates for fear that unemployment would drop below 9%.

That concerns me about this whole proposition here. What good is any program if you haven't got real jobs for people to pursue once they're done and over with the program? Have you had a chance to reflect on an economy and levels of government that would maintain policies of sustaining high levels of unemployment and what that means and what the motive might be?

Father Capitano: Back in 1983 - maybe this answers Mr Carroll's question as well - the Canadian Catholic bishops criticized the federal government for making inflation the number one enemy. Back in 1983 our Catholic bishops very clearly said to the government, "Make unemployment the number one enemy, not inflation." Our bishops have not been against creating jobs. For the last 15 years they have come out with this position that unemployment should be the number one enemy and not inflation. So there is a very strong history within Catholic thought that emphasizes the necessity of jobs. Does that answer your question?

Mr Kormos: I'm just wondering if you've had a chance to reflect on what in the name of God would motivate a government to establish and maintain a high unemployment policy.

Father Capitano: My understanding of it is that it's going to be more profitable for big business, the financiers of Canada, to have high interest rates, but it's detrimental to our society, it's detrimental to ordinary working people to have them put out of a job because of high interest rates. Am I getting close?

Mr Kormos: I'm interested in your observations. I have some of my own views, that it is part and parcel of the drive to drive wages down, which ties in of course with enhanced profits and corporate greed.

Father Capitano: Sure, because the more workers you put out of work, there's going to be that pressure

to lower wages. You're going to have this vast army of workers who will work for starvation wages because it's better than nothing.

The Chair: Thank you very much for coming forward. We very much appreciate your presentation today.

GERARD CHARETTE

The Chair: We call on our next presenter, Gerard Charette, if you could come forward.

Mr Gerard Charette: Good morning. It's interesting that we're talking about Catholic thought and Catholic philosophy and theology today. I'm a member of the Catholic church and that's a big part of my presentation this morning. I'd just like everyone on the committee to appreciate that there is a different Catholic view.

Let me take you through my submission, if I may, ladies and gentlemen. I'm appearing this morning in support of Bill 22. I think it's fair for all of you to have an understanding of my background, the biases I approach this issue from. Let me give them to you. They're in my submission but I'll repeat them.

I'm a lifelong resident of Ontario and I currently live in Amherstburg. I am a fiscal and social conservative and a supporter of the government. I practise business law in Windsor, but it's also important and interesting for you to note that I'm a part-time student in the master of arts program in pastoral ministry at Assumption University, one of our Catholic institutions. I work actively in my parish. What you're going to hear this morning about the bill I think is based in many respects upon my fundamental views about social justice and equity.

I have been actively involved in supporting our government's initiative to renew Ontario's welfare system. Previous governments have poured \$40 billion - that's \$4,000 million - into social assistance over a 10-year period ending in about 1995. This spending at an average annual rate of \$4 billion - again that's \$4,000 million - yielded a bumper crop of growing social welfare rolls, even in times of economic expansion and demoralization, the demoralization of those living on welfare. Before our government began to tackle the problem of the welfare malaise, the number of residents in our proud province relying on social assistance skyrocketed to 1.3 million, a provincial and indeed a national scandal.

I recognize that many of us, including many well-intentioned Conservatives and those who hold other political beliefs, had an abiding faith in money in the 1970s and 1980s. Many of us had an abiding faith in the idea that government could solve any problem as long as it threw enough money at the problem.

Over the last 10 to 15 years it has become clear that (1) money cannot solve all problems, particularly problems of the human spirit; and (2) spending too much money actually increases social ills by inviting residents who would otherwise be productive and self-sustaining residents into a lifestyle of codependency, living on government life support offered by the other partner in the codependency relationship, a free-spending government that has an undeserved sense of power and control over the human spirit.

In the warm light of day, most of us have now come to recognize that this province is good and great, not because we have social programs but rather because its people are good and great. We must continue to do whatever is necessary to permit individuals and families to recognize and make use of their own greatness by permitting them to be self-sustaining members of our community. This is the fundamental reason I have strongly supported the Ontario Works program.

For the purpose of supporting this program I have given a number of talks on welfare reform at service clubs, I have made at least two submissions to the municipal council of the city of Windsor and I have published a lengthy editorial piece in the Windsor Star in its July 7 edition. You have a copy of that editorial piece attached to this submission.

The reason I am here today is to support the idea that participants in Ontario Works programs should not be permitted to unionize or to go on strike. Rather, it is more appropriate that these participants should

be freed from the labour practices that can only hamper their reintegration into productive society.

I recognize that unions, unionization and the right to strike can sometimes play an important role in a free market economy. There are many cases when all of these are appropriate and helpful to society.

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However, those who oppose the Ontario Works program have threatened to unionize participants in the program and to take them out on strike. This constitutes a grossly inappropriate use of the principles of unionization and the right to strike.

As I believe the government has made clear, participants in the Ontario Works program are not employees. They are participants in a social services program that is designed to help reintegrate them into productive society.

The threat to unionize Ontario Works participants is another case of stonewalling, and obstructionism and rearguard action by those who have an overriding faith in big government and government handouts. It's too bad that we have to waste valuable time and energy in dealing with this obstructionism.

In my editorial piece, a copy of which you have, I explained to the members of my own Roman Catholic community and to the members of our broader community why it is that the Ontario Works program stands on a strong moral foundation.

The Ontario Works program increases the self-respect and dignity of the poor by permitting them and indeed requiring them to live as all of us who are employed. We all receive benefits from society and in exchange we work to be self-sustaining and to help sustain those around us.

As I stated on page 2 of my column, all the negative comments about the Ontario Works program "make it harder for the poor to maintain their dignity. Complaints that" the Ontario Works program "is a punishment for being poor and that" the program "is like slavery are not helpful. They only serve to debase the efforts of the poor.

"It's sad that welfare recipients have been told these things by those who are supposed to uplift the poor. It is evident that many" of our self-styled "poverty advocates would rather keep the poor married to a welfare cheque" and at the same time "divorced from everything that enlivens the human spirit."

Fundamentally, the principles of unionization and the right to strike are inconsistent with and inapplicable to a program that is designed to help reintroduce welfare recipients into the mainstream of society. Our fellow citizens who participate in the Ontario Works program are in essence the recipients of a government program. They are not like employees who work in the public or private sector. Seeking to unionize program participants makes about as much sense as unionizing other recipients of public funds. Should we give university students the legal right to strike and unionize because they receive tuition assistance?

Mr Kormos: Damn right.

Mr Charette: I'll answer that when I'm finished.

Clearly, there is no logical connection between the receipt of tuition subsidies and the legal right to strike under the labour law. They can protest at any time they want, but the point is this: If they do not attend school, they should lose their right to subsidy and it has nothing to do with the legal right to strike.

It is the same with the Ontario Works program. There is no logical connection between participation in this program and the right to unionize or strike.

It is for these reasons that I support Bill 22 and I urge all of you to recognize that this bill is appropriate and indeed will help foster a sense of dignity among the poor.

The Chair: That affords us approximately three and a half minutes per caucus. We begin with the official opposition, Ms Pupatello.

Mrs Pupatello: Thank you, Mr Charette, for making your way from the Windsor area to be here today. Were you made aware by government members about the clause that was slept through last fall which has resulted in this kind of taxpayers' expense and this bill being reintroduced, that it was in fact a part of Bill 142?

Mr Charette: No, Mrs Pupatello, I'm not aware of what you're speaking about.

Mrs Pupatello: You're fairly consistent in your views and I know you're a self-admitted fiscal conservative etc.

Mr Charette: Proudly so.

Mrs Pupatello: Yes. I've known you to be consistent, so I was hoping that you would answer this question as well. Once you become aware that this is quite a bit of a propaganda campaign, that government could have taken care of the clause that was slept through by the Conservative members at committee, that they could have taken care of that clause through a regulation change, that it didn't have to launch public hearings, introduce another bill, entitle it - obviously it's an anti-union title. You didn't have to do any of that. The fact that they did that makes you wonder what the real agenda of the bill was, because if it was the problem that a clause was missed and not passed there were a number of ways to fix that without launching this huge show, going on the road, spending at this point \$700,000, and that's just the debate time. Knowing how you've spoken out in the past about the way governments have wasted taxpayers' money, I can only hope that you would agree at this time that none of this was necessary today.

Mr Charette: Ms Pupatello, I'm not qualified to answer that question. I don't know what you're talking about and I don't know that it speaks to the true issue of the bill as to whether it is proper for participants to unionize and strike.

Mrs Pupatello: Just for clarity, then, there is a numerical number on the bill, 73, and 73 is the subsection of Bill 142 of last fall that the committee, a majority of Conservatives, did not pass because several members were in absentia during the vote: One was reading, one was doing correspondence, one was out of the room, another was sleeping. That's how it got the title the Sleeping Beauty bill, no doubt. In any event, the point is that's why that section 73 did not pass.

Now this bill is again numbered 73. It is in fact the same subsection, and my point is that if they could have logistically and through legislation processes taken care of the clause that they erred by sleeping through its passage, they could have saved well in excess of \$700,000. That's an awful lot of money to be put towards appropriate training programs etc.

Given your consistency in speaking out on how governments have wastefully taken taxpayers' money and put it in very inappropriate places, you and I must agree that this bill was no place to spend that kind of money.

Mr Charette: Ms Pupatello, I only came today to address the substance of this bill.

Mrs Pupatello: I too am addressing the bill in its entirety, actually. Would you agree or are you just going to be partisan in that answer?

Mr Charette: Ma'am, you have me at a disadvantage. I'd like to study both sides of whatever you're talking about, but the point is that it's not the substance of what I'm here to discuss and it's not the reason I was called before the committee, as far as I understand.

Mrs Pupatello: Why were you called before the committee? Were you not told the history of why this became a bill in the first place?

Mr Charette: I was called before the committee to tell the committee members whether I agreed in substance with the principle of having work-for-welfare members not strike or unionize.

Mrs Pupatello: What is interesting -

The Chair: Thank you, Ms Pupatello. We'll move to the third party.

Mr Kormos: I appreciate your comment, "Money cannot solve all problems," especially problems of the human spirit.

Mr Charette: Exactly right.

Mr Kormos: You're a successful lawyer and I have no idea about your financial status, but you seem pretty prosperous. Folks tell me you do well in your practice. It's remarkable how easy it is for prosperous people to tell poor people that money isn't going to solve all the problems. Try telling that to a single mother with three kids. Try telling that to persons whose jobs have been eliminated and who at one point were living a middle-class lifestyle and within 12 months find themselves on the welfare rolls.

Mr Charette: I'll tell you what, Mr Kormos. It isn't very easy for me to say this, because I get demagogued by people like you. It's not easy, but I'm saying it because it's right. If you want to know why we have a lot of poverty, it's because of high taxes in this country that are killing jobs; it's high CPP; it's high UI. That's what's killing jobs.

Mr Kormos: What do you say about the federal government policy that is designed to sustain high levels of unemployment by manipulating interest rates? The proof of the pudding is in their response, I believe, in October 1997 when unemployment stood a chance of dropping below 9% and the Bank of Canada raised interest rates. God forbid that unemployment in this country should drop below 9%. Do you endorse that?

Mr Charette: I sit on the border. I work. I see all the international flows. Our foreign investors rely on a stable currency. The reason we don't have jobs, I repeat, is because we have too many taxes in this country. They're killing off jobs. The best thing we could do is reduce the levels of UI premiums in this country. That would help increase jobs. It's not the so-called rich, greedy people. That's a sham.

Mr Kormos: Would you advocate reducing interest rates?

Mr Charette: I think interest rates should sit where the market fixes them and if we have low taxes and a sound dollar, and they've been letting the dollar fall, we will find that foreign investors and others who deal with us will have more confidence in this country.

Mr Kormos: Don't you agree that the Bank of Canada controls interest rates in this country?

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Mr Charette: Again, this is way off the beam as far as this submission is concerned, and I'm not ready to discuss this with you except to say that you can scream about the rich all you want. The fact is that it's the government that is being greedy about this. It's soaking up too much of the wealth.

Mr Kormos: I'm not screaming about the rich. I'm just finding it amazing and remarkable how easy it is for rich people to say that money doesn't solve all ills. I tell you, when you're poor money is a big start.

Let's get down to unionization -

Mr Charette: Yes, sir.

Mr Kormos: - by workfare recipients, mandatory placements. What would the ill be of a group of workfare participants unionizing and even going on strike?

Mr Charette: Because it's a social program. It's like when I do work in my parish. I'm there face to face with a person and we want to disentangle that relationship from all other irrelevant economic or legalistic mechanisms. We want to work with someone and help make them better, and to interject unionization and striking is just totally abhorrent to the nature of the work we're trying to achieve.

Mr Kormos: Some people refer to workfare as work for welfare. That's a fair proposition, isn't it?

Mr Charette: Sure.

Mr Kormos: Then, if you're working for welfare, what ill is done by saying, "I don't like the conditions that I'm working in, therefore I won't work and therefore I won't receive welfare"?

Mr Charette: Because they're part of a monitored, structured government program where it's structured so that it isn't unfair. It's structured so that they're working in community agencies or structured working with a municipal government. It's being used as a tool by union bosses to leverage their way into this program that they don't want to see work. That's the answer.

The Chair: Thank you, Mr Kormos. We'll move to the government members.

Mr Carroll: A quick point of interest before Mr Skarica asks the question -

Mrs Papatello: Is this a point of order?

Mr Carroll: It's our time. Just to clear the record, section 73, which was missed out of Bill 142, was voted against by the Liberals, Ms Papatello, and the only way -

Interjections.

Mr Kormos: And by the New Democrats. Damn right we voted against it.

Interjections.

The Chair: Order, order.

Mrs Papatello: That's a bunch of crap and you know it. This is a sheer waste of taxpayers' money. It's the government's mistake and you can repay it out of your coffers.

Interjections.

The Chair: Order, order.

Mrs Papatello: There is no order.

Mr Carroll: Contrary to what Ms Papatello says, the only way to correct the issue that Ms Papatello voted against was to introduce new legislation.

Mrs Papatello: You should pay for this out of your own party pocket.

The Chair: Order. Mr Skarica.

Mr Skarica: I might say at the outset that I have concerns about this whole committee process, about the validity of it. You can see it's degenerating to name-calling and that kind of thing, and I really question the overall usefulness of the whole committee process regardless of which party is in power. I find it intriguing that now the government is being criticized for having these hearings, because every time we have any legislation, all we hear in the Legislature is, "We need committee hearings and we need lots of committee hearings, you're moving too fast," and now that we have them it's a waste of time and money.

In any event, referring to your article, and I've read it, I find it intriguing because my family is Roman Catholic as well and many of them are practising Roman Catholics and I do not recall there being any debate in their church regarding this entire unionization issue. I know that the Father who spoke here, and I don't mean any disrespect, is not speaking for anyone in my family and he's clearly not speaking for you. Is there a debate going on in the Roman Catholic church among parishioners, or how has this come about?

Mr Charette: No, there isn't. That's the point, Mr Skarica. For some reason, the leadership in my church clearly has taken the side of I think some special interest groups. That's part of the reason I'm doing work within my own church, to try and bring in some balance.

Mr Skarica: I find it somewhat disturbing, because I thought we had a division of church and state and that was deemed to be good about 500 or 600 years ago, and here we are basically - as I said, I don't disrespect the Father, but he's taken certain positions that I know don't reflect my view or your view or many of the Catholics I know. As far as I know, there's no debate going on in the church itself among them. How did that come about?

Mr Charette: I don't know how it came about. The fact is that the church is up to its armpits in politics. There's no doubt about that. I think all of us as members have an obligation to speak our minds and try and bring balance to discussion. I can only speculate, Mr Skarica. I don't know the answer to that.

Mr Skarica: Okay. Those are my questions.

Mr Frank Klees (York-Mackenzie): Perhaps I could just follow up. The Father made a number of references, as he was speaking, to what his boss said. Could you comment on what the Bible says on this issue?

Mr Charette: I just finished a Bible study course this summer, actually. There's a classic line. There is a sort of split within church doctrine and you see that in Paul's letter, "He who does not work, let him not eat." That's just a classic, that thread. It's not meant to punish people, it's meant to bring about a recognition that labour is dignified, it brings dignity, and we've lost that in some way.

The Chair: Thank you very much for coming forward today. We very much appreciate your presentation.

LONDON AND DISTRICT LABOUR COUNCIL

The Chair: We call our next presenter forward, the London and District Labour Council. If you and your presenters could identify yourselves for Hansard we would appreciate it. You may begin.

Mr Rick Witherspoon: First of all I'll introduce myself. My name is Rick Witherspoon. I'm the president of the London and District Labour Council. I will be sharing my allotted time this morning first with Sister Ellis, Sandi Ellis, the Ontario regional representative for the Canadian Labour Congress. I was hoping to be joined this morning by one of the affiliates of our labour council, Jeff Schlemmer, who's a lawyer at Neighbourhood Legal Services in London. Obviously he's having trouble finding us this morning. We're not holding these in our own communities, so people are having to travel to catch up with you.

I would typically open my comments by thanking the members of the committee for the opportunity to make our presentation this morning, and I will take the opportunity to thank the members of the opposition parties for taking time out of their busy summer to come and listen to their constituents. But I think, as has been already stated, the reality is that the provincial Conservatives are only holding this dog-and-pony show with absolutely no intention of considering possible amendments to this piece of very repugnant legislation. But their intention is to keep the standing committee on justice tied up so they don't have to comply with the Legislature's standing order 124. In typical Tory fashion, this government would rather waste taxpayers' dollars debating a morally reprehensible piece of legislation than holding an inquiry into the circumstances surrounding the 1995 homicide of Dudley George at

Ipperwash Provincial Park.

Each and every one of us should be deeply concerned and should be taking a critical look at what's taking place here. This government as its first act of Parliament lowered welfare benefits by over 21% in an attempt to ensure that they had large numbers of desperate people willing to perform work for little or no pay and under any conditions. Now, under this legislation, it proposes to eliminate not only their right to association but their right to representation and their right to the free collective bargaining process. These workers have been and will continue to be denied even the most basic of human rights.

Make no mistake about it, this legislation will impact on all of us: people on social assistance, those who are in the workforce, the unemployed, underemployed and even those receiving unemployment benefits, as it eventually undermines the wages and working conditions for those of us fortunate enough to still have decent jobs.

You may have sensed that I'm just a little bit ticked off. In the words of the MPP for Chatham-Kent, Jack Carroll, as quoted in Hansard, "I seem to be having some problems with Ontario Works." That's pretty observant and, I would say, pretty profound on his part, don't you think? I suppose his comments should come as no surprise, seeing that Mr Carroll says he comes from a community where the local labour council is apparently much more responsible and, in his terms, has taken a laissez-faire attitude towards workfare because they apparently understand how important it is to involve people in forced labour programs. It should be interesting to see how the president of the Chatham and District Labour Council responds to Mr Carroll's comments in his presentation later this afternoon. But it comes as no surprise to anyone involved in the labour movement that we would see such a bill coming forward from a government like yours.

The Harris Conservatives have adopted a policy of blaming all who do not fit the mould of what they consider to be a good corporate Ontarian. The poor are blamed for being poor, the unemployed for being unemployed, the disabled for being unfortunate enough to have been injured at work or born with some dysfunction. This government has truly shown its uncaring, undemocratic, inaccurate fumbling since June 1995.

The philosophy of this government has been a sustained attack on the labour movement and working people, with the ultimate goal of total control over people; in other words, putting them in their place.

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This Bill 22 in fact violates the spirit and law protected in the Charter of Rights and Freedoms as well as international agreements signed by Canada, including the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights. It also violates the statement of principles on the role of volunteers and paid workers in non-profit organizations which has been endorsed by Volunteer Ontario and the United Way in this province, as well as many non-profit United Way member organizations.

Recent statistics show that the Ontario Works program and workfare aren't working. Minister Ecker maintains that since its inception, 387,000 people have participated in Ontario Works, but province-wide only about 3% of eligible welfare recipients are in government work programs. Roughly 7% are in training programs, and those workers who are in training programs are indeed volunteers. No community is forcing them to work. The other 90% are active in a stream known as independent job search. In fact, as I'm sure you know, the typical turnaround time for a person on welfare is approximately four months, during which time the individual seeks other employment independently. After that four-month period the person's situation is reassessed and he or she may be steered towards some kind of a training program.

From the above figures, the success of the Ontario Works program, as declared by this government, is simply a numbers game, a game in which this government attempts to deceive the public. At the provincial level the Tories proclaim its success; at the municipal level the information surrounding workfare is totally inaccessible, even, I might add, to some of our members of city council who wish to try and find that information.

The refusal of organizations to be involved in Ontario Works programs is making this government look as foolish as the program is. Organizations did not subscribe to the principle of mandatory work placements. Now Minister Ecker is saying that social assistance recipients are themselves demanding access to the private sector for work placements. What a crock. This government gained support for workfare by lying to the public and misleading people on social assistance into believing that somehow these mandatory placements would miraculously lead to good, secure, full-time jobs, when the reality in most cases we've seen is that they are being directed into low-income, dead-end placements. In fact, there have been numerous examples where these people have displaced permanent, full-time workers, something this minister and government proclaimed would never happen.

This government must face stark reality. If workfare produces goods or services that the public wants, either paid workers are losing their jobs or the rest of us are simply getting a free ride: goods and services that we all value but that we're not prepared to pay for. If you try to give an individual on social assistance work of little or no value, how then do you expect them to become contributing members of society? You don't. You simply continue to punish them for being poor.

Janet Ecker, the minister responsible for this disaster, says she is "furious and can't understand why some union leaders would torpedo the workfare program." We have asked this government and we have asked our municipal council to show us one jurisdiction, just one, where any kind of a workfare scheme has been successful. You couldn't respond then and you can't respond now.

Workfare is not only unethical but it again shows this government's complete contempt for a group of people they feel should be governed by a different set of rules than anybody else. Ms Ecker complains to us in the labour movement, "How dare we?" To this government we say, "How dare you?"

Enter the large multinational corporations, which have no commitment to any country, let alone any commitment to community, but will be only too willing to seize the opportunity for free workers while they have been displacing their own. It is a well-known fact that over the past number of years corporations have been downsizing their workforces to the barest minimum to save costs and increase their profits. Those left working are becoming burned out, and wow, here come the Conservatives with a chance now for these corporations to take advantage of the welfare program themselves. We never hear anything about corporate welfare, but it is financially a much bigger burden than social assistance ever could be. Here this government is looking again to subsidize its corporate friends with free workers, in fact actually giving the employers the welfare cheques for the placements and expecting them to mete it out to the recipients. Talk about total and ultimate control. This government and this bill disgust the labour movement and the London and District Labour Council.

You don't have to be a rocket scientist to understand that the issue here is a lack of jobs, real jobs. To sum it up, the workfare concept only becomes popular during periods of high unemployment. It emerges as a part of a blame-the-victim philosophy. The sanest thing that this government could do is to deem this program the failure that it is and repeal the legislation and all other legislation pertaining to it.

Ms Sandi Ellis: My position with the Canadian Labour Congress is that of national representative working with eight different labour councils throughout southwestern Ontario from Guelph down as far as Windsor. The geographic area in which I work has a population of over a million and a labour-council-affiliated population of nearly 200,000. Outside the greater Toronto area, southwestern Ontario is the most populated area in the province.

Throughout this area, all the labour councils as well as the United Ways within their jurisdictional boundaries are demonstrably against the mandatory aspect of the Ontario Works program. I have with me a copy of The Principles and Roles of Volunteers and Paid Workers in Non-Profit Organizations and Public Institutions. This document is the result of years of work with volunteer Ontario in consultation with many non-profit organizations, individual United Ways, the labour movement and United Ways of Ontario. I was on the working committee and I know how much effort went into the compilation and the final document.

There is mention in this document of how mandatory placements through Ontario Works are not

volunteers, but also that there is a need for strong, stable public services, adequately funded and maintained, to provide essential and complementary services to our population, along with public policies aimed at full employment at decent wages.

In the words of the executive director of the Kitchener-Waterloo Volunteer Action Centre, "Volunteering is done by choice, and without the expectation of monetary reward." You cannot have a voluntary component of a mandatory program. The two concepts are mutually exclusive.

The executive director of the volunteer centre of Peel has said publicly: "Workfare represents a much larger issue. It's the beginning of how governments view unpaid labour. It's a can of worms." This individual also told a workshop of a new business that was just starting up, whose owner said she didn't have enough money to hire staff, called the Volunteer Action Centre and asked whether the centre could send over some volunteers. The executive director told her there is one word for that: "slavery."

Talking about this individual situation, how would it be handled, if in fact the Ontario Works program entered into the private sector? In this new business case, no paid positions would be eliminated, because there were none to be eliminated to begin with. Would it be OK for new businesses such as this one to request and receive workfare placements instead of hiring paid staff?

I also have with me copies of statements, responses and motions passed by various United Ways throughout western Ontario, including London, Windsor-Essex, Oxford region and Chatham-Kent, supporting the position of the labour movement as contained in the roles and principles of volunteerism and that of negative donor designation option where workfare is concerned. Individuals placed in positions in the community in exchange for the social assistance cheque are not volunteers, but indeed employees as indicated by your government's statements that they are covered by workers' compensation and other pieces of labour legislation. These individuals are in fact free workers who, by the Constitution, have the freedom to associate, unionize and bargain collectively.

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Therefore, Bill 22 is as unconstitutional as you found out parts of Bill 160 are. Your government should seek some new legal advice, or perhaps any legal advice, before trying to legislate away the rights of Canadians that are protected by statutes. In Mr Charette's comments, the definition of economic expansion that he talks about also includes the 300% increases in CEO packages that we've seen over the last number of years. If his community feels that welfare is making a group, a very large group he says, of individuals become dependent on the system, so to speak, then I would also challenge him and all transnational corporations to voluntarily remove themselves from the corporate welfare rolls that they are on and have become dependent upon through local, provincial and federal giveaways, tax breaks and tax loopholes.

Mr Witherspoon: Hear, hear.

Mr Jeff Schlemmer: My name is Jeff Schlemmer. I'm a lawyer with Neighbourhood Legal Services in London and an adjunct professor of law at the University of Western Ontario. I'd like to address a couple of more technical issues in relation to the legislation.

The first is that I've done some research into precedents in other jurisdictions, particularly New York City where, as you're well aware, there's a large workfare program. In New York City you may be aware that there have been substantial difficulties with workplace health and safety issues and in fact there have been several injunctions issued by courts as recently as May of this year where the courts have found that workers have been required to work in unacceptable conditions, including working out on the road, picking up dead animals, syringes, condoms, used diapers, tampons and so on, without gloves or any kind of safety equipment, not having access to water to wash their hands, not having access to drinking water, not having access to toilets. The courts have basically prohibited that kind of activity on an ad hoc basis because there is similar legislation to prevent the workers from unionizing there. I guess that's the kind of concern that arises in the context of this program, particularly because New York City is often touted as a model for Ontario and how Ontario should go.

The specific concern in relation to unionization of workers arises and one of the aspects that the committee should carefully consider is the constitutionality of the provision, and that is, as I'm sure you've been told before, that the Constitution of Canada, and specifically the Charter of Rights, provides a freedom of association and also a freedom of peaceable assembly. Those are the fundamental hallmarks of unionizing. The act provides that those rights can only be taken away and the technical language is subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

In the case law to date where courts have permitted restrictions on the right to organize, there has been a specific balancing of the rights of management and the rights of labour, the right of management being the right to carry on a business to provide a service or a good. It has been found in several cases - you'll be familiar with the case involving the vice-principals of Ontario where the courts have said that because vice-principals are effectively a management role, it's appropriate that they not be allowed to organize. That decision's under appeal, but that's the kind of rationale. It's also the case that police officers are not allowed to belong to unions, although they're allowed to belong to associations which in many ways perform the same role as unions. Similarly, we've seen restrictions on the right of farm workers to organize, again because of specific balancing of interests between management and labour.

In the context of the Ontario Works Act there's no similar balance in the sense that management is not providing a service, they're not providing a product. Over and over, we hear that the principal goal of Ontario Works is to help the recipients get back to work, effectively the workers in the workfare program. So the espoused goal of the government in this case is to help the workers who are participating in Ontario Works. There's a small incidental benefit that may accrue to the social agencies who participate, who may get some free labour, but we're told over and over again this is not a program designed to provide free labour to people. It's a program designed to help the workers.

If the government is going to rely on an argument to say that unionization should not be allowed in this case, they're going to have to argue that somehow the unions are standing in the way of helping workers; that is, they're going to have to successfully argue that the goal of the union is not to help the very workers who are its members. It would seem clear that that kind of an argument is not going to succeed. The courts are not likely to find that the unions are actively trying to prevent their worker members from finding real jobs. On that basis, it seems unlikely that a court challenge will be successfully withstood by the government.

I've sort of followed this. I was one of the lawyers on the Falkiner decision that you may have heard of that was released on Friday in Toronto where another section of the welfare legislation was struck down as being unconstitutional, that is, the spouse-in-the-house provision. In that case again, the tribunal found that the restriction on the charter rights of spouse-in-the-house recipients was not justified and was struck down as being unconstitutional.

The same kind of challenge, I would suggest, would have a strong chance of success in relation to this legislation. Again, the difficulty is that there's no compelling and overriding reason why unionization would prevent the government from being able to help the workers in the way they want to.

The Chair: Sir, just so you know, your time is almost up.

Mr Schlemmer: Okay. I'm just about through. Another matter that I'd just addressed briefly is the question of sanctions under this legislation. There are no sanctions specifically provided in this legislation, which is quite unusual, and it makes one wonder why that would be. The only thing I can suggest is that presumably because this is going to be part of the Ontario Works Act, the sanctions contained in that act would apply by inference to this act. However, the only sanction provided in that act that would seem to relate is that if you're not in compliance with the act, you may not get welfare.

The bread-and-butter provision of this act, it would seem, is the prohibition on the right to strike; that is, if a worker goes on strike, they will be in violation of this act. In that case, then it would appear they won't get welfare. I would submit that that's not a surprising result and I would have thought there would be a more punitive sanction. I don't know the reason for that, except it may have something to do with the constitutional challenge: if you can argue that you're prohibiting conduct but not sanctioning it,

there's no punishment for breaking the law, that somehow you might more successfully withstand a charter challenge.

The Chair: Thank you very much. We very much appreciate you coming forward with your presentation today.

LIFE*SPIN

The Chair: I would call forward the next presenter, the Low-Income Family Empowerment*Sole-Support Parents Information Network.

Mr Carroll: Mr Chairman, while those folks are coming forward, I'd just like to announce that the members of the committee are invited to have lunch with Greg Keating, the commissioner of social services for Chatham-Kent, and Lucy Brown, the manager. There will be some Ontario Works participants there we can chat with. The media's welcome to attend that, as are all members of the committee. We're due to be there at 12:10.

The Chair: Thank you, Mr Carroll. If you could identify yourself for Hansard, you may begin.

Mr Andrew Bolter: Thank you for the opportunity to be here. I'm from LIFE*SPIN. My name is Andrew Bolter. I'm director of community development.

Mrs Papatello: Sir, are you from Chatham?

Mr Bolter: Sorry. I'm from London, Ontario.

What we want to do is show you a video that was produced the People's Video Network in New York. It shows how people came together to form a movement known as workfairness. One of the spokespeople for workfairness is Larry Holmes and he speaks on the video of the historical context of workfare and how vital it is for those on workfare to gain the protection of organized labour, not only to protect their rights but also to ensure that real jobs are protected and real wages are protected as well.

I'm going to let the video speak for itself. Basically, it would appear that your house of cards has begun to fall. Your unjust and unconstitutional laws are being struck down by the courts and tribunals in this province. The latest, as has been mentioned to you before, the Falkiner decision, the spouse-in-the-house case, clearly stated that the spousal regulation that you had for social assistance recipients was unconstitutional. The rule of law is on our side.

I'd like to -

Mr Kormos: One moment, please. Perhaps your people would like to come up here, the people in the audience. If you want to come up here to watch the video, please join me or all of us.

Mr Bolter: Thank you. The first eight minutes is not there because I had to get it down to below 20, so it starts about eight minutes in.

Video presentation.

1130

Mr Bolter: What happened was I think the technician hit play and it was playing while I was waiting to put it on. If I may just rewind it, it will take three minutes.

The Chair: There is a total time limit of 20 minutes per presenter.

Mr Bolter: I will put the tape on and when the 20 minutes runs out, if you'll advise me, I will attempt to operate the on/off switch.

The Chair: It's only fair to the other presenters as well.

Mr Kormos: We'll get them all in. We're in control of our bus. We're travelling by bus; the bus leaves only when we want it to. We can stay till 5, 6.

Video presentation.

The Chair: Thank you, sir.

1140

Mrs Papatello: Chair, how much time is left in the video?

The Chair: I'm afraid I have no idea. According to this, it's a 28-minute video and we're over the 20-minute mark now.

Mrs Papatello: Could I ask the committee Chair to allow the video to continue to the end.

The Chair: That can be put forward to the committee.

Mrs Papatello: Could you ask the committee, please, Chair. There's likely five minutes left.

The Chair: Do we have unanimous agreement to watch the conclusion of the video?

Mr Carroll: No.

The Chair: I heard a no.

Thank you, sir. We very much appreciate you taking the time to come forward today and we appreciate your presentation.

1150

JIM McFEGGAN

The Chair: We ask the next presenter, Jim McFeggan, to come forward, please.

Mr Jim McFeggan: Chair, members of the Legislature, I'm currently running a small business in Tilbury and I've also operated a farm. I would like to begin my presentation to you today by stating that this is something I usually do not do. I have never appeared before a government committee until now, yet my reason for doing so is simple. I firmly believe that in the last election the people of Ontario overwhelmingly voted in favour of work for welfare.

I realize that some of the members of the opposition parties would like to think that Mike Harris was elected by accident. They would like to believe the electorate in the spring of 1995 didn't realize what they were voting for. This is simply not true. I suggest to all the members here that in the last provincial election the electorate had a clear choice. As presented by the Tory campaign, voters had the clear option of either choosing work for welfare or not.

I remind the members of the committee of what was said in the Common Sense Revolution, "We should prepare welfare recipients to return to the workforce by requiring all able-bodied recipients, with the exception of single parents with young children, either to work or to be retrained in return for their benefits."

Compared to this the Liberals ran on a weak imitation of the Harris platform. There was a clear alternative between Mike Harris and Lyn McLeod and the people of Ontario chose Harris and work for welfare.

I have reviewed Bill 22 and I am aware of the controversy surrounding the need for this legislation. Some have suggested that this bill is about the Conservative caucus mishandling a vote at the committee level. I believe Bill 22 is about delivering to the people of Ontario what they voted for: a policy of work for welfare.

I think it is important to remind the members of the committee that thousands of people, including union members and many staunch Liberals, voted for Mike Harris because of his work-for-welfare plan. Even people who were still very bitter with Brian Mulroney did something they had sworn they would never do again - they voted Conservative.

They voted this way because they saw the Tory platform as one of substance and real change. They saw and accepted a political platform that called for welfare reform as opposed to simply continuing down the road of more people on welfare and more taxes. Ontarians generally agree that an effective welfare system has to be a transitional program of last resort, designed to get people back into the workforce.

I know that many of you in this room do not need a history lesson on the last election; however, I raise this issue simply to point out and to remind the members of the committee of the strong public support for welfare reform. Any attempt to hold up or interfere with these reforms, I would suggest, is undemocratic.

This, to me, is where Bill 22 comes into being. It is one bill in a series that is part of Mike Harris's commitment to the voters to make self-sufficiency and responsibility the hallmarks of the welfare system. Bill 22, if passed, would provide that the Labour Relations Act, 1995, does not apply with respect to participants in a community participation activity under the Ontario Works Act. Its purpose would be to prevent those participants from unionizing or striking and cannot have the terms and conditions of their community placement determined through collective bargaining.

Many people in the public may wonder why Bill 22 is needed. Why is the government holding these hearings? Of course the overriding question in the public's mind may be, why is the government dealing with this? Didn't we already vote for work for welfare?

There is one answer to all of these questions. It is simply that some union representatives have chosen to try and prevent the Harris government from moving forward with work for welfare, either by threatening to unionize welfare recipients who participate or by harassing community agencies that offer help. This is unacceptable. In my view, the government should not stand by and allow some union leaders to stop the reform of the welfare system. If the union bosses are allowed to succeed and work for welfare doesn't become a reality, this will represent a defeat for democracy. I would like to remind the members of the committee that the majority of the electorate voted for this.

Of course, not only would this be a defeat for democracy, it would also represent a return to the tried and failed welfare policies of the past, a past that despite the NDP and Liberal governments spending \$40 billion on social assistance over 10 years saw the number of people relying on welfare skyrocket to 1.3 million or 12% of the population in June 1995, a past that saw the system rife with fraud and abuse, where far too many recipients saw welfare as simply a lifestyle or an alternative to work. Under the NDP, Ontario had the highest per capita welfare caseload in Canada.

But merely giving these statistics doesn't quite capture the depth of the welfare problem Ontario had. I would like to read a quote from a false recipient, which was in a story in the Toronto Sun, April 21, 1991:

"They give you a job search piece of paper. You're supposed to be looking. I look in the yellow pages for companies and write them down. They are too busy and take your word for it."

In short, the previous system had lost sight of the values of mainstream Ontario and lost credibility with taxpayers. By June 1995 taxpayers had come to realize that there were several key failings of the social assistance system. They realized that it was more attractive to be on welfare than to work and pay taxes. They realized that the more money the province spent on welfare, the more welfare became a problem. They also realized, perhaps most importantly, that the system did not have employment as its ultimate

objective.

A return to these failing attributes would not only be very unfortunate to the taxpayers who have to pay the bill, but also to the recipients themselves. As welfare rates were increased time and time again under the previous government, the number of people in the system increased. This resulted in recipients becoming more and more dependent on welfare cheques with little or no connection to the job market.

This is not to suggest that other governments had bad intentions. Far from it. The people of this province are compassionate and all three political parties here today have often been a voice for that compassion. I do believe, however, that previous governments have at times mistaken high welfare rates for compassion.

This misguided logic in the long run didn't really aim at helping its able-bodied recipients. By giving these recipients not only record welfare rates but the option to stay at home, the system served to reinforce in many cases their disconnection from potential employers and opportunities, opportunities that could get them back into the workplace. To me and to many others, this meant that the welfare system had departed from its original purpose. It ceased to be a transitional step to self-reliance.

What the Harris government has been working towards with its version of work for welfare, called Ontario Works, is a change from the aforementioned failed policies to one that provides recipients with a real shot at a job.

Under the new system, municipalities such as Chatham-Kent must link individuals who receive social assistance to a full range of services that lead to self-reliance and skills development. Ontario Works participants must participate in those services to remain eligible for assistance. As more municipalities get their programs up and running, more recipients will have the opportunity to gain the confidence and skills necessary to become self-sufficient. We all realize that these attributes are key reasons why someone gets and holds a job. From my understanding of the ongoing Ontario Works system, it involves employment supports such as job searches, referral to basic education, and job-specific skills training. This to me sounds like an excellent program to assist those on social assistance to find work.

1200

I encourage all members of this committee to look at the results. Already more than 387,000 people have participated in one or more of the program's mandatory activities designed to help get them back to work. Over 283,000 people have stopped relying on welfare since June 1995. In addition, the government has committed itself to continue to look for ways to help people on welfare find the shortest route to a paying job.

In addition, the provincial government has taken many other steps to reform the system. The government has reduced assistance rates significantly, but to a level that is very much above the average rates in the other nine provinces.

Recipients are being allowed to earn back the difference between the new rates and the old rates without penalty so as to provide a stepping stone back to full-time employment.

The province has tightened eligibility rules for those who voluntarily quit jobs or refuse employment. A welfare fraud hot line has also been established to catch people ripping off the system.

Through these measures, including Bill 22, Mike Harris has shown that he is keeping his word with the electorate and is reforming the welfare system to help people get off welfare and get on with their lives. Welfare under the Harris government is intended, as it should be under all governments, as a temporary measure, not a way of life.

On that note, I would like to take just a few minutes to present to you what other governments in other jurisdictions are doing.

In the United States, President Clinton oversaw legislation that reformed welfare far more radically than

anything Ontario has done. Just two years ago, Clinton signed a bill that placed a time limit on the receipt of welfare benefits. Every person can rely on welfare for no more than five years throughout their lifetime. After that they are on their own. I would also point out that Clinton didn't just sign this because he is dealing with a Republican Congress; he campaigned on welfare reform in 1992.

Similarly, in Great Britain, Tony Blair and his Labour government have also introduced a version of work for welfare. The UK model has much the same aim as does Ontario Works: to get those who can work back to work. It seems rather funny to me seeing a Labour government in Britain introducing policies that are being so fiercely opposed by union leaders here in Ontario.

What this shows, in my view, is that Ontario's move towards reform of its welfare system is consistent with what is going on in other jurisdictions. In fact, according to some social service delivery agencies, Ontario's work for welfare program is far more successful than similar programs in the United States.

With all this positive feedback and support for workfare, you may ask what the claims against Bill 22 are. One argument put forward by Howard Hampton, leader of the NDP, Sid Ryan and other union leaders is that Ontario Works does not work and is of no benefit. This is simply false. Participants in the workfare program increase their chances of finding a job.

Furthermore, if the system does not work, then why do Sid Ryan and others feel the urgent need to threaten people into not supporting or participating in the program? It seems to me that union bosses such as Ryan have overstepped their bounds, not only by attempting to thwart a policy which the majority of Ontarians voted for, but also by intimidating and harassing non-profit, community-based organizations which benefit from Ontario Works.

Critics of work for welfare also claim that making this program mandatory victimizes and punishes welfare recipients. This again is wrong. I believe that the old system victimized recipients by simply handing out cheques and neglecting their need for concitedness to the work force. The new system does not punish recipients; rather it cares enough about them to take an active role in getting them work.

Another myth surrounding Bill 22 is that its purpose is to take away the workfare participant's employment protections. Again the critics are wrong. According to officials in the Ministry of Community and Social Services and those delivering the program, people in community placements for workfare are protected under health and safety protection laws currently in place. They are also entitled to privacy protections, religious holidays and pregnancy or parental leave. All they are being required to do is put in no more than 70 hours per month in a community placement, with their hours of attendance being limited to eight hours a day and 44 hours per week. This is hardly unreasonable for the voters and taxpayers of Ontario to ask of welfare recipients.

Now I realize that Dalton McGuinty's Liberals would rather discuss how much this committee cost, because they don't support or don't care about work for welfare. They, however, are missing the point of these hearings. It is to remind them that thousands of people like myself voted for Harris so that this province would stop paying people because they chose to stay at home. If vocal special interest groups and unions are permitted to stop a policy that the majority of people in this province voted for, then it will be a sad day for democracy.

Just look at some of the good that unions and the NDP have done in past. How the CAW works for its members: A paying member for 25 years and a member for 31 years was laid off in 1992, at the age of 56, with not much chance of being recalled; 1992-93 attended St Clair College and took a self-employment training for enterprising persons, STEP, program; mid-1992 started a small business in Tilbury, Ontario; turned 60 years of age April 17, 1996, and retired May 1, 1996.

The plant was working on an early contract. I was not informed by the union heads that the new contract, if accepted, had a retirement bonus which I would have been eligible to receive. This happened under the NDP government.

A quote from the Chatham paper:

"The Ontario Ministry of Agriculture and Food has developed a plan to give the province's three main farm organizations between \$5 and \$7.5 million in funds. To do this, the government is willing to use the rather questionable tactic of withholding property tax rebate cheques for farmers who choose not to join. By forcing farmers to join lobby groups, the government is admitting it has failed in any attempt to deal with the individuals it represents."

How any government elected in a democracy can justify infringing so far on an individual's rights as to tell them they must join a lobby group is beyond the scope of reasonable thought.

March 30, 1993, a quote made by Basil "Buzz" Hargrove to the Honourable Pierre Blais, MP:

"On behalf of the 170,000 CAW Canada members working in several industries from coast to coast, I urge you to prohibit handguns in this country, with the exception of those required by law enforcement officers and members of the Canadian armed forces necessary to perform their duties."

Basil "Buzz" Hargrove failed to check with his 170,000 members on how they felt about the bill. He was giving his thoughts only. I feel this is undemocratic.

Interjection: What has this got to do with -

Interjection: Tell the truth.

The Chair: Order.

Mr McFeggan: In conclusion, as a small business person I put in long hours and earn every devalued dollar I get. I don't feel it is too much to ask others to do the same. For welfare recipients, simply choosing not to work is no longer an option. The Conservatives, through their welfare reforms, have removed those on disability from the system to a new program focused on meeting their specific needs. The difference in the welfare system now is that this government has set apart those who cannot work from those who will not. The Mike Harris government remains compassionate to those who cannot work but, like the rest of us, will not tolerate those who will not. That is common sense.

The Chair: Thank you, sir. There's only a couple of seconds left and I don't think that affords us any time for questions. We very much appreciate your coming forward today. Thank you for your presentation.

Mrs Pupatello: Could we extend the time by just five minutes to allow each of us to have a couple of questions?

The Chair: There is not unanimous agreement.

Mr Kormos: Chair, we've got all sorts of time.

The Chair: Order. I put it forward to the floor that there was not unanimous agreement. Therefore, that concludes that.

Mr Kormos: We've got the whole day. Why are these people not interested in questioning a participant?

The Chair: It is not my function to respond to questions. I am only here to judge on a procedural basis.

1210

Mrs Pupatello: I have a motion to put forward. I'd like to move that the committee cancel all future hearings regarding Bill 22. It makes a complete mockery of the hearings process. They are hearings that neither the Liberal Party nor the third party had requested. It was clearly meant as sheer propaganda. The bill, totalling over \$700,000 to date, should be repaid to the taxpayers by the PC Party of Ontario. This clause that we're discussing today, supposedly Bill 22, dubbed the Sleeping Beauty bill, could have been handled in many ways other than this blatant waste of taxpayers' money to traipse around Ontario and

spew PC Party propaganda. This bill, one page, receives more hearing time than the original Bill 142, or workfare bill, which has a failure rate to date of 97%. Even a farmer losing 97% of his crop essentially would be out of business.

That makes the purpose of these hearings suspicious at best and deceitful at worst. I would look for every member of the Conservative Party to support this motion this morning, in particular Mr Skarica, who as well questions the validity of these hearings.

The Chair: As this motion has been put forward before and has been voted on previously, I rule this out of order.

Mrs Papatello: This is a different motion.

Mr Kormos: On a point of order, Chair: I appreciate what the Chair is addressing. However - and I was very careful in reflecting upon the previous motion that had been dealt with - (1) we are at a far different stage in the proceedings; (2) we have seen conduct on the part of the government during the course of these proceedings that would substantiate the position that the government is trying to pad these proceedings futilely, fecklessly coming up with so-called witnesses who they've solicited and sought out to talk the government line, reading, effectively, government scripts before the committee; (3) we've seen a complete transition, this incredible turnover in government participation in this committee. We see new member after new member each time the committee sits. How can they hope to consider in the aggregate all the submissions being made?

The Chair: And your point of order is?

Mr Kormos: My point of order is that in view of the fact that the only reason we're considering this bill is so that the government doesn't have to consider the Premier's involvement in the death of Dudley George at Ipperwash - it's the only reason that bill is before this committee - this committee had better do some serious reflection as to whether it's being used as a part of the cover-up of the Premier and the Premier's office's involvement in Ipperwash park and the murder of Dudley George.

The Chair: Mr Kormos, you do not have a point of order. I have already ruled on Ms Papatello's motion. The motion is the same motion that was debated earlier and was voted on at that time.

Interjection: You can't challenge the Chair.

The Chair: Yes, you cannot challenge the Chair.

Mr Kormos: Don't take marching orders from Jack Carroll.

The Chair: No.

Mrs Papatello: I need to address the Chair.

The Chair: You may address the Chair.

Mrs Papatello: Thank you. Notable about my motion this morning is that it's different from the motion that was put forward in Cornwall. If you recall, the clerk specifically asked me in Cornwall to remove half of the motion that I had read so that it would better format to what the motion is that typically comes before a committee. The point is that I would request that perhaps the people from Hansard would review and read aloud what my motion was in Cornwall so that we can see how different it is from the motion put forward today. I need to make note too that there are members here who were not present. Mr Klees was not there. Mr Skarica was not there.

The Chair: Members not being present is not relevant to the motion.

Mrs Papatello: In any event, these individuals I know are going to be interested in the content of the motion, in particular because this morning, when we began our proceedings here today, one of the

Conservative government members indicated the futility of the hearings. He actually questioned the whole validity of this hearing process, which is the point we have been making from the beginning. Given that there seems to be support even from the government side, I would ask the Chair to review the original motion put forward in Cornwall. Read it publicly if you would - I would ask that - so we can prove that it is a different motion. Then if we could continue forward with, as a minimum, a vote on the motion I'm putting forward today.

The Chair: I have already reviewed, I have already made a decision on this matter and thereby concluded, because there is no debate after a Chair has made a decision.

Mrs Pupatello: Chair, does this have something to do with the fact that you don't want to exceed 10 minutes after 12?

The Chair: No. We are far beyond that now as a matter of fact. That has no bearing on anything, on my decisions at all.

Mr Klees: On a point of order, Chair: With respect, if you want this to continue, that's fine, but this committee does have a commitment to have a meeting with a number of people who are expecting to meet with us. I would suggest to Ms Pupatello -

Interjections.

The Chair: Order, please. Mr Klees, what is your point of order?

Mr Klees: My point of order is that this committee is committed to a meeting. If Ms Pupatello wants to continue, we can deal with this matter -

Interjections.

The Chair: Order. Your point of order.

Mr Klees: We should respect the people to whom we've committed a meeting.

The Chair: No.

Mr Klees: And that this matter be dealt with -

The Chair: Mr Klees, you do not have a point of order.

This committee sits recessed until 1:30 of the clock.

The committee recessed from 1216 to 1333.

CHATHAM AND DISTRICT LABOUR COUNCIL

The Chair: I call the afternoon session to order. I'm going to call our first presenter, the Chatham and District Labour Council, if you could come forward and identify yourself for Hansard. I believe you were here earlier and heard about the presentation time. You may begin.

Mr Aaron De Meester: My name is Aaron De Meester. I am the president of the Chatham and District Labour Council. Before I begin my submission I'd just like to say this: I have a copy of Hansard dated May 27. Under orders of the day, on page 4, Mr Jack Carroll in the House said, and I quote from Hansard, "In my community of Chatham-Kent where organized labour has been much more responsible" - comparing that to London - "and in fact has taken a laissez-faire attitude and has understood the importance of us helping people who need our help, we in Chatham have had over 500 people involved in community placements." I want to make it very clear that the Chatham and District Labour Council and its affiliated unions have never endorsed workfare and we are strenuously opposed to it. We are strenuously opposed to workfare.

On behalf of the Chatham and District Labour Council, I would like to thank you for the opportunity to appear before this standing committee on justice to discuss Bill 22, the Prevention of Unionization Act (Ontario Works), 1998, which was introduced on May 14, 1998, by the Minister of Community and Social Services. The Chatham and District Labour Council represents 11,000 workers from 22 unions in Chatham-Kent. We have always believed that committee hearings are a vital part of our parliamentary democracy which allow interested individuals and organizations the opportunity to share their perspective on proposed legislation with their elected representatives.

Let me get off to a good start by stating why these hearings are taking place at all. This government did not want members of this standing committee on justice to use standing order 124 to hold a legislative committee inquiry into all activities, in particular the role of the Premier's office, surrounding the 1995 police homicide of Dudley George at Ipperwash.

We regard Bill 22 as the latest example of the contempt this government has shown for the institutions and practices which are our common heritage in this province. This contempt has also been seen in the government's attitudes and actions towards the labour movement and people on social assistance in this province. If one examines social, political and economic policy, an unmistakable picture emerges of the poor as people who are despised for their poverty and punished for their lack of wealth. This government and their cultural elite project this picture until it permeates political and popular culture and is reflected in public policy.

Why did the government launch its attack on the social assistance system? What was behind its rhetoric? If you analyze it closely, you'll find the push for this policy came from the Ontario business lobby. Here's why. The business cycle is crucial to capitalist economies. Back in 1958, an economist noted that when unemployment falls, wages rise; when unemployment rises, wages fall. This is known as the Phillips curve. This is so because when most workers are employed, business is pressed to react to wage demands. However, when there is significant unemployment, business knows it can find labour at lower wages. Thus, unemployment drives down wages for all workers as it increases job insecurity. You might say, "What does this have to do with welfare?" Welfare is a form of income maintenance and as such it serves as a buffer between the employed and the unemployed. Therefore, when workers are not desperate, when they have security, they demand higher wages. Who would have thought that the poorest among us, those on welfare, strengthen and stabilize the wages of workers?

It's for this reason that the Harris government launched its attack on the poor and disguised it as welfare reform. Ontario employers joined hands with this government in the battle against the poorest of society and their labour union allies. When masses of people are unemployed, that's called good for business.

The Harris government came up with workfare, which is just a new word for an old program that comes from the southern United States. The logic is to take well-paying jobs and force those seeking welfare to perform this work at the minimum wage or less or they don't get welfare. This workfare program does not create any jobs, does not provide any useful training, but in fact takes away decent-paying jobs so that more people end up with exploitative wages and shameful working conditions.

Labour unions around the world have in their constitution the mandate and the obligation to advance the economic and social interests of their members and society at large. That's why we are here today. We must put this insidious workfare scheme to the most rigorous test by simply asking, "Does it respect the rights and dignity of workers and social assistance recipients?" The answer to this question is a resounding no.

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We are not alone in our passionate opposition to this violation of human rights. The Roman Catholic diocese of London has also come out against workfare, as was mentioned in earlier submissions. Bishop Michael Sherlock has said, "Workfare is a violation of dignity." Other religious leaders have also spoken out against workfare: the United Church, the Presbyterian Church, the Lutheran Church have all taken strong positions against workfare, so this is not exclusively the Roman Catholic Church, as was suggested possibly by some of the other submitters.

Back in December 1996, religious leaders in the Ottawa area said the government's work for welfare program is "unethical and draconian." Archbishop Marcel Gervais made this statement opposing this government's workfare system: "The goal of full employment should be the basic priority of our economic and social policy, thus enabling women and men to fully choose" - and the key words are "fully choose" - "productive employment that will provide secure and sustainable livelihood."

This legislation, this Bill 22, is morally reprehensible and a shameful reflection of how this Tory government cares for working people. As elected representatives, you should ask serious questions about workfare and how its imposition on our province will benefit or hurt some of us or all of us. Do you believe that some of your fellow citizens should be conscripted workers but not have the same legal rights and protections as their co-workers? In spite of the lack of rights and protections for these fellow citizens, do you support their exploitation?

There is a segment, and I will suggest a large segment, of the employer community that is quite willing to exploit their fellow citizens. Do you condone their actions? Would you encourage them to increase the level and intensity of this exploitation by creating for them a pool of conscripted labour?

Exploitation happens in workfare programs in the United States, and there is no reason - no reason - to believe that it would not happen in Ontario. To quote from Welfare News, Center on Social Policy and Law, New York, February 1997: "Legal services offices and advocacy and community groups have found many people suffering greatly. Participants are exposed to industrial, biological, and medical wastes, including asbestos, animal carcasses, human feces, and discarded syringes, without protective gear. Students in high school or other approved education programs who were willing to carry both school and workfare are told that their workfare hours were in conflict with school; many drop out of school and others lose all welfare benefits. Participants are denied access to toilet facilities, and made to work in bitter, cold weather without warm clothing. Skilled workers are told that they had to work off their check at the minimum wage, and lose and are even denied opportunities to seek paid employment."

Aspects of workfare programs in other jurisdictions such as New York state are being challenged successfully in the courts. Do you want the resources of our province wasted on lengthy court cases? This program, make no mistake about this, will be challenged, and challenged successfully in this province if this bill proceeds.

This government places little value on the contributions made to our society by workers, especially those in the public sector. In that sector, workers have been laid off and programs gutted in order to pay for the Harris tax cut. Many workers have become victims of this government's labour market strategy of low wages and as few legislative protections as possible. Decent jobs are replaced by poorer jobs. Do you support the replacement of workers, especially in the public sector, who are currently providing needed services and who are taxpayers, consumers and activists in their communities? Do you replace them with conscripted workers? Under workfare it happens in the United States, and we all know that it will happen here if it is allowed. The New York City Central Labour Council believes that the numbers are comparable between the public sector jobs lost and the level of workfare conscripted labour used in that community.

In Ontario, the conscripted workers under this program will organize themselves in order to be treated as the first-class citizens that they are. Make no mistake, they will be assisted every step of the way by this labour council and by a wide variety of fair-minded groups and individuals. The continuing actions against workfare in communities across Ontario are only the beginning of this process. There is an old French slogan that should be remembered by governments of any stripe, and that is, "He who sows misery, reaps rage." We urge this committee to call upon the government to withdraw immediately Bill 22.

Thank you, on behalf of the Chatham and District Labour Council.

The Chair: Thank you. That allows just under two minutes, about a minute and a half per caucus. We'll begin with the third party.

Mr Kormos: You made reference to Mr Carroll as MPP for this community and this riding and to his comments in the Legislature. Correct me if I'm wrong, but you leave the impression that he had told the Legislature that labour took a laissez-faire attitude towards workfare in this community. Would you clarify, please, what in fact is the position. Is it as Mr Carroll describes it, and if it isn't, do you have any idea how Mr Carroll would have reached the conclusion that he expressed in the Legislature?

Mr De Meester: I don't know how Mr Carroll reached that conclusion. Certainly there are other members of the labour council who have articulately voiced their opinions in a very forceful manner against the program. My predecessor, Buddy Kitchen, expressed his views and they were the same as mine in opposing workfare. We have a workfare watch committee on the labour council that has functioned well. So I don't know where Mr Carroll drew these conclusions, but I hope it certainly was clarified today, what the true feeling is of the Chatham and District Labour Council.

Mr Carroll: A quick question, Mr De Meester: The Capitol Theatre project downtown, which I'm sure you're very much aware of, trying to rejuvenate this old, abandoned theatre for the use of our citizens - a lot of the work, thousands of hours of work have been done in there by people from the federal government under section 25 orders, a very similar concept to the idea of work for welfare. Has your union been as opposed to that as they have been to -

Interruption.

The Chair: Order.

Mr Carroll: Has your union been as opposed to that project on behalf of the citizens of our community? A lot of people are learning new skills and new trades in there. Are you as opposed to that project?

Mr De Meester: Mr Carroll, you're very smart at forming a leading question. Let me make something very clear. I'm not opposed to any program that is truly designed to create long-lasting jobs with good protection. The program your government is putting forth is not volunteer. You're telling people, "You either work or you do not get your cheque, or you get a reduction in your cheque."

1350

Mr Carroll: What about the Capitol Theatre project?

Mr De Meester: What about the Capitol Theatre project?

Mr Carroll: How do you feel about that?

Mr De Meester: How do I feel about it? It's not the same program.

Mr Carroll: It's the same idea.

Mr De Meester: No, it's not at all.

Interruption.

The Chair: I'm going to remind this crowd here, the audience, that this is a committee of the Legislature of the province of Ontario, which is bound by the guidelines of the Legislature.

Interruption.

The Chair: No, sir, I am not. I am reminding you that this is a committee of the Legislature bound by the rules of the Legislature, which allow you to be present during the committee hearings. No disruptions or demonstrations are allowed at that time.

Interruption.

The Chair: Sir, there is no discussion on that. I'm reminding you that the options that I have are the removal from the room, and the committees will proceed without the individuals if the disruptions continue.

Mrs Pupatello: Thank you, Mr De Meester, for coming today. I appreciate you spending the morning and the afternoon with us here. As you know, we tried to bring forward a motion to cancel further hearings as a complete waste of time and money that should be repaid by the Conservative Party to the government because they're spending taxpayers' dollars to traipse around Ontario for their political propaganda.

What we do know from some sites of workfare that we've been able to find is that only 3% of the total welfare recipient roll is actually involved in any kind of program like it. Those that are running are volunteer. You see the games that Mr Carroll is so adept at: playing with the information so that the public and their core Conservative supporters will believe that this platform they won on is actually happening when in fact it is not.

You gave an example in your presentation about New York state and what was going on. What can you ask the people of Sudbury to do where there is a workfare site going on and the people who are sent out into the fields near the airport in Sudbury - they're doing a reforestation project as part of this workfare - don't have any bathroom facilities? This is today in Ontario, not New York state. I'm just wondering what your view is.

What if it were you or I? Any one of us, as parliamentarians, could be out looking for work in the next election. I hope some are. It could be me having to apply, not being able to find a job, sent out into the field without a bathroom.

I just want to know how you feel about -

The Chair: Thank you, Ms Pupatello.

We very much appreciate you coming forward with your presentation today.

Mr De Meester: Am I not allowed to speak any more?

The Chair: There's a total time of 20 minutes.

Interjections.

The Chair: Order, please. I will finish speaking.

There is total time allotted of 20 minutes. How the individuals decide to use their time, divided equally, is up to the individual. If she wishes to speak for that entire period, then that is her option. I have no ability to determine how that individual will use her time. Mine is to determine procedural orders. That's what I rule on. We are over the 20 minutes.

Thank you very much for your presentation. We very much appreciate your coming forward today.

Mrs Pupatello: On a point of order, Chair: I'd ask for unanimous consent from the committee to allow him an extra minute.

The Chair: You can ask for unanimous consent. You do have that ability. Is there unanimous consent? I heard a no. Thank you very much, sir.

Mr De Meester: With all due respect to you, sir, I'm very disappointed in this process.

WINDSOR ESSEX LOW INCOME FAMILIES TOGETHER

The Chair: We would ask representatives from Windsor Essex Low Income Families Together to come

forward, please. If you could identify yourself for Hansard we would greatly appreciate it. In the event you were not here earlier, although I believe you were here, there is a total time allotted of 20 minutes. At the conclusion of your presentation, any time remaining is divided equally between the three caucuses. You may begin.

Ms Mary Seaton: Good afternoon. Thank you for giving me the opportunity of speaking to you. My name is Mary Seaton. I am membership coordinator for the Windsor Essex Low Income Families Together, known as WELIFT. This is a grassroots support group with a membership of 220 families who are the working poor or who are in receipt of social assistance benefits or disability. Most of us are personally involved in the Ontario Works program.

By enacting a bill to prevent Ontario Works personnel from joining a union or any form of bargaining unit, an unmistakably clear message is being sent to the general public which is extremely worrying:

(1) First, social assistance recipients are not full citizens of Canada. Last time I checked, being on welfare did not preclude a person from exercising their civic rights. Does this mean the next step is that persons in receipt of social assistance or disability benefits will be denied the right to vote in municipal or provincial elections because of conflict of interest?

(2) Denying the most vulnerable and inarticulate members of our society the right to group support in the workplace systematically strips them of the ability to speak out about the workplace and administrative injustices.

(3) Who will support and speak out for the workers who are (a) being sexually harassed; (b) being discriminated against by management or paid work staff? There are many recorded incidents of these types of abuses in the American workfare programs. You need only look to New York state, and more especially to New York City. Who will advocate on differences between overworked social services staff and Ontario Works participants when there are disagreements in grey areas? The administrative process of Ontario Works is, charitably, at best described as chaotic, where information is lost, cheques are not issued and children go hungry.

(4) Who will educate Ontario Works recipients as to the few rights they retain, such as the right when working to access money for transportation, child care and workplace clothing up to the limit of \$250 a month? It is a well-known fact to most social assistance recipients that their workers fail to keep them informed of the small benefits they have available under certain circumstances.

What happens if the workplace where the Ontario Works worker is placed goes on strike? Does the person lose her cheque because of a work stoppage not of her making or face the ultimate indignity of becoming an involuntary scab labourer?

This single-page bill reduces the most vulnerable segment of society to slaves with no rights or voice. I thought the province of Ontario was part of a democratic country called Canada. Obviously soon I will be wearing a badge that denotes that I am a non-person in the workforce, an unwilling cog in the drive to bring earnings of all wage earners down to a Third World level so that the gap between the haves and the have-nots becomes insurmountable.

If this is the Common Sense Revolution, with Cicero I cry, "O tempora! O mores!" Oh, the times; oh, the customs. Thank you for hearing me.

The Chair: Thank you very much for your presentation. That allows each caucus approximately five minutes for questions and answers. We begin with the government members.

Mr Klees: Thank you for your presentation.

The previous speaker, who I'm sure you know, mentioned that the district labour council has a welfare watch committee. Are you aware of or familiar with that? I'm not sure if you are - you're from Windsor, I guess.

Ms Seaton: I come from Windsor.

Interruption.

Mr Klees: I didn't interrupt the previous speaker. He may be so kind as to not interrupt these proceedings.

Are you aware, in the city of Windsor, of any community placement circumstances where someone has been treated inappropriately?

Ms Seaton: Yes.

Mr Klees: Could you give us an example?

Ms Seaton: I personally know of a member of our group who happens to be a rather large lady and who was discriminated against because of her size. She is neither slovenly nor lazy. She's quite intelligent and quite skilled. She was put under a lot of abuse because of her size.

1400

Mr Klees: Who was she put under abuse by?

Ms Seaton: Both by the Ontario Works staff - this was, I must say, stopped as soon as it was put to the commissioner - and also by people where she was to be placed.

Mr Klees: So you are saying that there was a circumstance of abuse. There was obviously a process by which she could bring a complaint forward and the matter was dealt with. Is that right?

Ms Seaton: Yes, because she very simply went to the legal assistance in Windsor.

Mr Klees: Well, it is a very important point. We're living in an imperfect world and there will be abuses regardless of what program, what government or what society we might be in. The important thing that I think we all must remember is that there are processes in place. In the Ontario Works program now there's an appeals process, so if in fact someone does feel they are not being appropriately dealt with, they can bring an appeal forward, they can make their complaint known, and that will be dealt with. Certainly our government's position is that it doesn't take a unionization process in order for that to happen.

It's very important that we keep the facts of this bill in focus, and that is that no one is being prevented from organizing. In fact -

Interjections.

The Chair: Order.

Mr Klees: Well, it's a fact. That is the irrational leap that Mr Kormos would want to take on this.

Mr Kormos: This bill prohibits them from joining a union.

Mr Klees: The fact is that you can organize without joining a union. This is not about preventing people from gathering together. It's not about preventing people from organizing.

We met, as a matter of fact, with a group, with a committee who had organized themselves together. There were welfare recipient members of that organization. They organized for the purpose of ensuring that Ontario Works would work in their community. They've done so very successfully. They've told some excellent stories about how their involvement ensured that there were opportunities in the community for community placement, for training and for finding a full-time job.

So I think the important thing here is that rather than allow this to become a philosophical debate or a political grandstand for Mr Kormos and Mrs Pupatello, we focus on the facts of this bill. I just want to assure you that there are processes in place to ensure that the abuses won't happen.

Mr Kormos: And Stalin had all those photos of happy -

The Chair: Order. Mr Carroll.

Mr Carroll: Ms Seaton, I had the opportunity to meet with a group of people up in Wallaceburg on Thursday of last week who were involved in the process, people who find themselves temporarily in need of some assistance. They're working on a project up in Wallaceburg. They see this as an opportunity to improve their lot in life, and they quite frankly are very supportive. As somebody who is opposed to them having this opportunity, what would you say to them if I brought the 15 of them in front of you?

Ms Seaton: I would have no objection if they were working on a project that paid them a decent wage and also gave them a chance to advance their skills. I feel that everybody has a right to work. I have met very few people in my life that do not want to work. The trouble is that there is no work. Whatever the programs are, when they're mandatory and they lead to nowhere, they lead to disillusionment for the people who have high hopes.

This is where the trick is. You keep -

Interjection.

The Chair: Thank you, Mr Carroll. We now move to the official opposition.

Mrs Pupatello: Thank you for coming up from Windsor. I'm sorry. I'm afraid we have collectively cost, all of us, lots of money to keep travelling out of Windsor for hearings because the government won't come back to run committee hearings in Windsor. I'm proud of that, frankly. In any event, I do want to thank you for being here today. I know my community has been pretty supportive of my position in all of this.

Mr Klees doesn't want to have a philosophical discussion about workfare. In fact, this is all that it's about, because if we look at the facts, this is a program 97% of which failed. Any business, after three years of operation with a 97% failure rate, would be out of business. They wouldn't even have the money to pay the exorbitant property tax increases that this government has now foisted upon them. Three per cent as a success rate would have every business under, and that's what we're faced with here.

Moreover, the cost of these hearings: I'm embarrassed to meet my fellow Windsorites so that they can see what I've been doing here in Chatham today, in Cornwall the other day, in Sudbury the other day, wasting Ontario taxpayer money with this farcical tour of Ontario because the PC Party refuses to pay for its own propaganda and is using this committee as a means to do that. In fact, this clause, which we dubbed the Sleeping Beauty bill for the obvious reason that a Conservative MPP fell asleep at committee and failed to pass their own clause, has now turned into an entire bill that went through the political machinery of the PC Party to be yet another hunt to slam labour.

I find this very interesting. Mike Harris goes to the chamber of commerce and in all of his speeches over his first couple of years would go on about how proud he was to have beaten down the labour movement, slammed the labour movement: "We've cracked the back of the unions. They're not going to be in charge any more." That's the kind of thing he would say at the chamber. He beat them down so badly that the flip side of that is that we have a bill being brought forward as though it's the unions' fault that workfare isn't working.

You can't have it both ways. Either you've beaten them down so completely, and that's what you tell the chamber, or you obviously haven't because they're strong enough that a plank like workfare has failed. Either it's a failure, because they say they need the bill because it's failed and they have to fix it, and yet when they do that they come around to tell us how wonderful it is - if it was so wonderful, why did they

need the bill that's to fix it because labour's ruined it? I find myself in a bit of a bind. I don't know what they say, what they mean. I don't know if you have any comment on that, Mary.

Ms Seaton: I find it very difficult because from the clients' point of view this bill has done nothing but make life a lot more difficult, for the major fact that the social services staff do not know whether it's Christmas or Easter because their regulations keep changing. I'm not blaming the staff in the least; they're as confused as the people they serve. One month you get one set of rules and the next month you get another set of rules. Basically, as I said, it's charitably described as chaotic.

Mrs Pupatello: So you'd probably agree that this whole thing is such a farce.

Ms Seaton: It's such a mess.

Mrs Pupatello: We go around Ontario so that they can spend taxpayers' money instead of party money to propagandize workfare, to tell us how much it's working. But we're going around because we need a bill because supposedly it isn't working, so they need the bill. You're left with, what the hell are they doing? They're spending taxpayers' money for political propaganda for which the PC Party should reimburse the province immediately, which is why we've begun each day hoping that someone of those MPPs will vote in favour of the motion that we keep bringing forward, and that is to cancel this charade.

Ms Seaton: But the interesting thing is, you see, that these gentlemen and ladies are not on the cutting edge. We're on the receiving edge, so that when something doesn't work, our cheques don't come, whether we're obeying the rules or not. I had two girls last week come weeping because they hadn't had their cheques because of some mess-up in the computer system and they had families needing groceries and back-to-school clothing and stuff like this.

Mrs Pupatello: We have lots of examples of the government completely botching this up. We understand that the ministry still has not perfected the computer system required to implement Ontario Works. But I guess it's like a lot of things the government has done. They write the policy on the back of a napkin over lunch or over drinks, and then it becomes part of a platform. They run it in an election with those nice little slogans, and unfortunately you can't write public policy with a slogan from the back of a napkin.

1410

Mr Kormos: Thank you, Ms Seaton. I suppose what bothers the daylight's out of me is that the government's attack on social assistance recipients was clearly very popular in 1995 when this government got elected and remains popular among many quarters today. There's an impression being created. They talk about co-dependency. They're picking up all this flashy language somewhere. I think what they really mean is dependency except somehow they figure "co" makes it a little more forceful, although they're misusing the word.

My impression is that people are dependent upon social assistance because there aren't jobs out there for them to go to. Is that your impression?

Ms Seaton: Exactly. I have never met a social assistance recipient who did not want to work; I frankly never have. They would be happy to work. Most of the recipients in our group have quite a few skills.

Mr Kormos: I'm from down in Niagara, which in some respects is similar to Windsor, the same type of industrial culture. I've got folks down there who had five, six, maybe 10 years into a well-paying job in a factory, who thought they were doing all the right things - you know, the house, kids and a snowmobile in the garage - who found their jobs eliminated when free trade rolled by and jobs moved south, and then even more so when NAFTA came by. We've had families down there who used up their UIC credits and within 12 months they can have gone from sort of blue-collar middle class to literally being on welfare, again having done all the right things.

What about this impression that living life on the dole is the way to go, that people are so seduced by the luxuries of being on the dole that there's no motivation? What does it mean to live on welfare? You've

talked to enough people who have been forced -

Ms Seaton: I've lived on welfare.

Mr Kormos: Tell us what it means. What does it mean when you've got kids and the end of the month is approaching and there's no food in the cupboards?

Ms Seaton: It's absolutely no fun, and having to go to a food bank to me is the ultimate in humiliation. I have always worked. It really is the most difficult thing, and most people find it so. Most people on welfare have led fairly good working lives until circumstances came. As somebody very wise once said, if you're a single mother you're only ever, when working, one cheque away from welfare.

Mr Kormos: Or even if you're not a single mother.

Ms Seaton: Yes, if you're low-income. About 55% of our membership are working poor and they are in constant terror of losing their jobs.

Mr Kormos: Ms Tingley and a group from Barrie told this committee back during Bill 142 that they were very offended by the concept of telling women who had been mothers, homemakers, workers - in this case it was three women who had left violent, dangerous families and found themselves shifted, again, from a blue-collar middle-class lifestyle to welfare, and they were very offended by the government's paternalistic attitude of, "We'll teach you 30 different ways to prepare chicken." Their line was: "Just give us the frigging chicken. We already know how to cook it."

Ms Seaton: We can do 157 ways of preparing hamburger. It's quite - well.

The other thing I really found very offensive was the removal of the pregnancy allowance for pregnant mothers. There are not very many pregnant women who are on welfare, and that was an ultimate, because I have not met anybody who spends it on beer. They do need their fresh vegetables, which are of high priority, and they need their milk.

Mr Kormos: You understand that first they slashed welfare rates by 21.6% and then they raised MPPs' salaries by 10%. You understand that that happened within the same time frame, and the arrogance of it.

Ms Seaton: In fact it was almost the same amount of money that was slashed that they paid, yes.

Mr Kormos: Isn't that ironic beyond any apprehension?

Ms Seaton, keep up the good fight and we'll whip these buggers yet.

The Chair: Thank you very much for your presentation today.

We will now call on representatives from OEM Industrial. Is there anyone here from OEM Industrial? No.

CANADIAN AUTO WORKERS, LOCAL 27

The Chair: I would then call on representatives of the Canadian Auto Workers, Local 27, if you could come forward.

Mrs Pupatello: May I ask the Chair a question while we're waiting?

The Chair: Yes.

Mrs Pupatello: Can the staff tell us if OEM Industrial was contacted by a member of the committee or by the ministry or had forwarded their name on their own to the committee to be presenting today?

The Chair: We can ask.

Mr Kormos: Ask Jack.

The Chair: Each caucus puts names forward as well as people directly applying.

Interjections.

Mrs Pupatello: Is it a Chatham-based company?

Mr Carroll: Whether they're friends of mine or not is irrelevant.

The Chair: Just so you know, sir, there's a total time allocated of 20 minutes. Any time remaining is divided equally. Thank you for coming today.

Mr Jim Reid: My name is Jim Reid. I'm with the Canadian Auto Workers, Local 27. I'm an injured workers' advocate. I also am the co-chair of LIFE*SPIN in London, which is the Low-Income Family Empowerment*Sole-Support Parents Information Network. I believe Andrew put a presentation on earlier. I also sit on the board of directors of the London Unemployment Help Centre.

I'd like to thank the Chairperson for the opportunity to make a presentation to this committee on behalf of the more than 5,000 members of the Canadian Auto Workers, Local 27, employed in 22 different workplaces in the London area.

While we're always happy to visit Chatham, I question why London was not one of the cities selected. Perhaps this government and Minister Ecker didn't want too bright a light shone under this offensive, undemocratic barrel of bilious Tory waste referred to as Bill 22.

Perhaps Mrs Ecker remembers her last visit to London when she participated on a radio call-in show in an attempt to promote mandatory workfare. The minister remembers that during nearly two hours on the air she had only one positive response to mandatory workfare, and that was from the board chair of the Memorial Boys' and Girls' Club, one of only two community organizations in London to act as brokers and take community placements through Ontario Works.

In London the consensus among the community service providers is that a voluntary community placement program combined with adequate levels of support will move far more people into sustainable paid employment. Even the regional and municipal welfare administrators are telling Minister Ecker that Ontario Works just isn't working. The fact that communities across this province are failing to meet the prescribed targets of this ill-conceived and poorly implemented mandatory workfare scheme is to be expected from a government that is more interested in scapegoating the poor than it is in providing for the essential needs of this vulnerable population.

Bill 22, as proposed, when placed alongside Bill 142, the Social Assistance Reform Act, offers clear and convincing evidence that working people, the poor, the disabled, the homeless and the unemployed have become the enemies of this gang of 82 bullies and cowards who now infest Queen's Park.

Any time a government drafts, proposes, passes and implements legislation, it usually does so for some perceived legitimate public interest and does so for their perception of benefit to the common good. The Harris government, on the other hand, takes the view that what benefits their wealthy friends is in the best interests of all Ontarians, regardless of the misery and deprivation their policies of fleecing the poor to line the pockets of the rich have had in the last three years.

In most democracies legislation is not used to take away legitimate rights and freedoms of large segments of the population. In Tory Ontario there is no room for the rights of citizens when they conflict with the dictates of the Common Sense Revolution.

Bill 22 is the Reform-a-Tories' latest attack on democracy, an attack that began with introduction of Bill 7 allowing scab labour, stripping away successor rights from crown employees and eliminating the card majority system of union certification that had been in place since 1950, replacing this system with

mandatory certification votes permitting the employer to organize anti-union campaigns of intimidation. Bill 7 was bulldozed through the Legislature without a single day of hearings.

On November 29, 1995, Bill 26, the omnibus Savings and Restructuring Act, was introduced, amending 44 statutes, creating three new acts and repealing two others. The bill was 211 pages thick but was rammed through the Legislature after only three weeks of hearings. The only reason that the hearings were held at all was because of a sit-in by the opposition parties.

The attack on democracy continued with Bill 49, an act to gut the employment standards act.

Mike the Knife ignored an overwhelming referendum vote against the megacity and dictated Bill 103.

1420

I can only begin to talk about the havoc the big business Tories are unleashing on our education system with the implementation of Bill 104 and Bill 160.

Bill 22, An Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act, continues not only the Tory hackers' attack on democracy but moves this government's war on the poor to another level. In her statement to the Legislature on May 14 introducing Bill 22, Minister Ecker gives the only reason for this amendment to the Ontario Works Act, as follows: "Some union representatives have chosen to try and prevent the government from moving forward with Ontario Works, our mandatory work-for-welfare program, either by threatening to unionize welfare recipients who participate...or by harassing community agencies" who offer to help.

Is this the reason for the introduction of Bill 22? I think Ms Pupatello elaborated eloquently on the real reason for the introduction of Bill 22, the Sleeping Beauty bill.

Are we here today because some union representatives threatened to unionize welfare recipients? Is this what caused the minister to introduce legislation that denies its citizens charter rights? Does this perceived threat necessitate the violation of basic human rights as set out in the human rights core convention of the International Labour Organization, a body which Canada has participated in since its inception in 1919?

As a proud and committed trade unionist, I have volunteered my own time on many organizing drives over the past several years. I cannot pretend to understand how, given the provisions of the Labour Relations Act, a union could threaten to unionize anybody. My experience has been that people sign union cards and join unions out of their own free will. The records of the OLRB will clearly show that it is the employers who threaten workers if they choose to exercise their rights by joining a union. I have never met with an individual or group of workers and threatened to unionize them, and I don't know any organizer who has.

Perhaps I'm getting this wrong. Maybe it's the government that feels threatened. Perhaps Minister Ecker believes people on social assistance are incapable of making an informed decision on whether or not to join a union, or maybe Mrs Ecker has decided that people on social assistance don't need such silly and frivolous nuisances like charter rights, especially when there are all these wonderful opportunities in the conscripted free labour market.

The real fear this government has is that if people on welfare organized, they could not be marginalized and abused. No longer would it be easy for Mike and company to lie about people on social assistance. The myth of widespread welfare fraud that the corporate sense revolutionaries campaigned on would be given about as much credence as young Mr Harris's bologna diet.

Perhaps the Tories are fearful that if poor people organized and educated each other about the devastation and class warfare this government has engaged in they might become a force in the next election and vote out these real-estate-shilling, used-car-dealing, Reform-Party-loving group of big business toadies.

In any discussion about workfare it is necessary to examine both the history and the ideology of having the poor work for their welfare. We can trace the path of this government's ideology back to the 1834 Poor Law that eliminated relief for the poor. The social thinkers of that day argued that giving the poor even the most meagre quantities of bread and coal harmed both the larger society and the poor themselves. Never mind the rapid enclosure by the rich of commonly used agricultural land. Never mind the displacement of hand-loom weavers by mechanized factories. Never mind the decline in the earnings of rural workers. According to these eminent social thinkers, the real causes of poverty and demoralization were not to be found in these large economic changes but rather in the too-generous poor relief. The solution in 1834 England of eliminating the provision of relief to people in their homes and putting entire families into prison-like workhouses is the same solution the Harris Reformers seek to emulate by giving conscripted free workfare labour to their business buddies.

This past April, Minister Ecker visited Wisconsin to study their W-2 welfare program in the hope of finding solutions to improve the pathetic Ontario Works program. Even with an unemployment rate of less than 4%, the majority of W-2 participants are trapped in poverty. The average hourly wage for W-2 workers in these practice jobs is \$5.65 an hour. Little more than half had full-time work. One in six participants had private health insurance. According to the Milwaukee Journal Sentinel story of December 31, 1997, homelessness, shelter use and food aid are all up dramatically. Between 1988 and 1996, the number of AFDC families in the state fell by 19% while the number of children from AFDC families entering foster care rose by 60%.

It is interesting to note that the US Department of Labour said recently that some people on workfare may be considered employees who are covered under existing labour laws such as the requirement that they be paid minimum wage and overtime, as well as afforded workplace protections.

Mrs Ecker now appears to be moving away from putting workfare placements into the private sector. We feel the minister is backtracking in an attempt to avoid the negative political fallout from the majority of fair-minded Ontarians who favour fair wages over free labour.

The fact is that the Ontario Works community placement programs aren't working. In the March 23 Globe and Mail, Metro Toronto commissioner of community and neighbourhood services Shirley Hoy said, "Toronto welfare workers are under pressure to entice people with promising job prospects into dead-end community service placements," a ringing endorsement from an administrator of the largest municipal social assistance program in Canada, who like many of her colleagues in similar positions across Ontario, has told the minister repeatedly that mandatory workfare just isn't working.

There has been an overwhelming negative response from social service providers, charities and community groups to this model of conscripted voluntarism. When we look at the placement program administered and developed in London by the Memorial Boys' and Girls' Club, an organization that has lobbied all levels of government to be workfare pimps, we see the phony make-work jobs, requiring minimal training or skills development. These community participation opportunities include conscripted volunteer positions such as cafe assistant, night custodian, lawn-care maintenance and play-care assistants.

I have spoken to several graduates from the Memorial Boys' and Girls' Club who have told me that they did not learn any new skills, that they did not receive any training, and that they were used primarily for menial labour. Every person I talked to wanted a real job or specific skills training in order to secure sustainable employment. This came as no surprise, having myself been out of work many times in my working life. I know what it's like to stand in line with hundreds of others just to apply for a job. I remember what it was like to be laid off, no money coming in, rent to pay and no food in the house. I remember the desperation of being poor. Just like my brothers and sisters here today, I never chose to be poor.

In order to put a positive spin on this disastrous waste of municipal and community resources we call Ontario Works, the Tories brag about removing 294,000 people from welfare. The Tories never mention the fact that the drop in interest rates and the undervalued dollar have resulted in more people re-entering the workforce. The Tories never mention the fact that the number of people who now rely on food banks and homeless shelters has grown dramatically since the 21% cut in social assistance. The Tories never

mention the number of women who have been forced to return to abusive partners. Instead, the Tories continue to promote the myth of long-term welfare dependency and fraud.

The fact is that overpayments continue to be added to fraud statistics to boost the figures of money recovered, since according to the province's own statistical report, real welfare fraud accounts for less than 0.03% of the caseload. Bill 142 has made it possible for fraud police to apply for search warrants and use them to search the homes of income assistance recipients. Currently, only police officers can obtain search warrants and they are governed by very specific laws in using them. Police are also governed by tribunals and boards which define appropriate police behaviour. Bill 142 has given welfare workers police powers without any responsibility. It's interesting to note that the welfare workers in Metro Toronto have overwhelmingly said they do not want these types of powers, that they do not feel it's either necessary or appropriate.

In London, the average length of time someone is on welfare is nine months. This length of time will continue to drop given the fact that only 29% of all unemployed workers in Ontario are now eligible for federal EI benefits. Welfare, the income support of last resort for people unable to find work, is being used more regularly by workers in the low-wage, contract, temporary and seasonal job ghettos.

When the economy improves, it is because of low interest rates and a low dollar, and we now have the illusion of more people being moved off the welfare rolls. The real test for any government is how they respond when there is an economic downturn. The record of this government in responding to the needs of low-income people is abysmal.

Whether or not Bill 22 passes into law, people on social assistance will continue to organize. Our union will continue to work in solidarity with the low-income community in our common struggle for social justice and political change.

Time is running out on this government. You have alienated union members, teachers, police officers, firefighters, doctors, nurses, small business people and the poor. I look forward to the next election to send this gang of 82 back to the used car lots, real estate offices and corporate boardrooms from which you came.

In last week's Globe and Mail, our reviled Premier stated that he would not be calling an election until he lost 20 pounds. Well, Mr Harris, there is one thing the voters of this province know: The 20 pounds of fat you carry around is situated firmly between your ears.

That's the end of my presentation.

1430

The Chair: That allows us approximately a minute and a half per caucus. We begin with the official opposition.

Mrs Pupatello: Thanks for coming today to speak with us. We have much of the same feeling regarding this bill and the duplicity the government employs as we go across Ontario and they spend taxpayers' money to actually make something appear that simply isn't there, and that is the success of the workfare program. We've got a great deal of difficulty with this. I don't know how you feel as a member representing a union being slammed repeatedly by a government, by ministers. It's sort of the same feeling the teachers probably had when Mike Harris went on television at taxpayers' expense to slam an entire education sector, a professional group that actually teaches children. It really is par for the course.

You reminded me of a few things they've done to the poor, the bologna sandwich story, the tuna story etc. But that aside, what would you do for the Sudbury workers who are engaged right now working at a site with no toilet facilities?

Mr Reid: If I was in Sudbury right now, I'd organize the largest contingent of people on social assistance, people in the labour movement, people from the faith community and march on that work site and sit down and demand justice for the workers until the government reacted, plain and simple. We will

continue to organize whether the government says, "Mother, may I?" or not. This labour movement wasn't founded by kowtowing and listening to the powers. We broke the law when we formed unions. We'll break the law again. We have no problem with that.

Mr Kormos: I want to thank you for participating in the hearings. You understand that, as I indicated earlier today, this government slashed welfare rates by 21.6% and increased MPPs' salaries by around 10%. Minimum wage at Queen's Park for an elected member is \$78,000 a year. People like parliamentary assistants pick up, I don't know, another 10, 11 or 12 grand a year.

Mrs Papatello: The Chair of a committee is \$5,000.

Mr Kormos: No, the Chair picks up \$10,000 or \$11,000; the Deputy Chair picks up \$5,000. So we're talking about a minimum wage of \$78,000 a year. I suppose the problem I have is the arrogance of people who are enjoying that sort of affluence making the judgments that are being made, the judgmentalism about being poor. It's like an earlier submission where someone said, "Money isn't the solution to all of an individual's problems." Well, it's the first bloody thing by way of a solution when you don't have any. There's incredible wealth being created in this province even right now. You and your sisters and brothers analyze corporate directors' salaries and multi-million dollar bonuses, yet my impression is that this wealth is becoming isolated in fewer and fewer hands and that the poor are being called upon to pay for things like phony tax breaks for the very rich.

Mr Skarica: I want to talk to you about the first and last pages of your presentation. I note that your second-last paragraph says that the gang of 82 should go back to the car lots, real estate offices and corporate boardrooms. I don't come from any of those places. I was an assistant crown attorney for a long time and we had to study the art of advocacy. One of the things that we were told and instructed over many years was that, in the art of persuasion, you don't get anywhere by calling your opponents names and insulting them. Your presentation, frankly, is full of those types of things. I've had my run-ins with Mr Harris himself and that's well known, but to say that he has 20 pounds of fat between his ears is hardly something that should be said in a presentation like this where you're trying to advance a philosophical argument of some type.

As well, to say the gang of 82 are bullies and cowards, I would never call my opponents, Mrs Papatello or Mr Kormos or anyone else in politics, a bully or a coward, because it takes a lot of courage to stand and run and fight for votes for something you believe in.

Mr Reid: Can I respond?

Mr Skarica: I'm just curious how you think that advances your position, to call people names like that.

Mr Reid: I'm glad you woke up this afternoon to pay attention to my presentation, number one.

Number two, this is a government of bullies and cowards. This is a government that has no respect for the democratic principles of this province. This is a government that would find political allies in the likes of Mussolini and Pinochet.

Mr Skarica: Just because they disagree with you, eh?

Mr Reid: We can have disagreements, but we can also have democracy.

The Chair: Thank you.

Mr Reid: Mrs Papatello is right, this is a farce. This whole process is a farce. This government is not listening to the people of Ontario.

The Chair: Thank you very much for your presentation today. We very much appreciate your coming forward.

CANADIAN UNION OF PUBLIC EMPLOYEES, WINDSOR AREA OFFICE

The Chair: I call on the next presenter, a representative or representatives from the Canadian Union of Public Employees, Windsor area office, if you could come forward and identify yourselves for Hansard.

Ms Rose Gunnell: My name is Rose Gunnell. I am a temporary national rep out of the Windsor area office. I have been on the welfare rolls. I have been on the unemployment line. I currently have a disabled son, visually impaired, mentally disabled and, as we speak, he volunteers with the food bank in Essex.

On behalf of the Canadian Union of Public Employees representing municipal social service workers, workers in community agencies, school board workers, health care workers and university workers, we would like to thank you for this opportunity.

Bill 22, the Prevention of Unionization Act, brings us here today, a bill that speaks volumes about the government's attitude to the poor on the Ontario Works program, to working people and to activists trying to promote a vision of Ontario based on principles of equality and economic justice. The people of Ontario now realize that this government, through legislation and policies, presents a threat to fundamental shared principles of justice and basic constitutional and human rights. Bill 22 presents another example of how this government, the Conservatives, wants to undermine basic rights.

Workfare is designed to punish people. The government wants us to believe otherwise. They claim the old system wasn't working, that welfare rates were too high and that the system offered neglect instead of real help. The problems, they decided, were that too many people were on welfare and that the rates were too high, that too many people had access to the system according to this government. Somehow Ontario Works would be a panacea to all that ails the system, but the Conservative view of "all" that ailed that system was simply the numbers on welfare, the levels of income support and the obstacle welfare presented to creating a vulnerable low-wage workforce.

We have good reason to be skeptical that this government has any intention of doing anything to help people find decent, secure employment. They are following a model designed in the United States, pioneered in Wisconsin and now imported to New York. Ontario is not the next state of the United States of America. The governor of Wisconsin once claimed that the purpose of workfare was to dissuade people from applying for welfare. The statistics the government keeps only tell how many people have left welfare. They don't tell us what has happened to the people pushed off welfare.

Minister Ecker cites a survey showing that 52% of those who had left welfare had found jobs. This number is very low, especially since only those with telephones could be surveyed. We suspect that if this survey had been done properly, the numbers would show that far lower numbers found employment. Has there been a follow-up?

1440

We contend that this government doesn't care at all what happens to people once they're off welfare. They only care about keeping the numbers down. Studies have shown that workfare is not an effective route to employment. Workfare is designed to reduce the numbers of people on welfare by discouraging people from applying for welfare income support and cutting people off for non-compliance with the myriad rules.

The welfare system in existence before this government took power was by no means perfect, but it was a system that had the objective of helping people make the transition from welfare to work. It was not a passive system that merely provided cheques, as claimed by Minister Ecker. Previous governments had embarked on a series of programs aimed at providing training and employment assistance to persons seeking employment.

CUPE represents most of the people delivering Ontario Works. We are hearing cries of frustration from our members. They trained for their jobs because they wanted to work with people. Now they spend little time with clients, but a lot of time facing a computer terminal inputting information to ensure that compliance with the legislation is achieved. Their discretion to help people and seek creative

employment programs has been handcuffed by Ontario Works. Local initiatives are discouraged by the program. They feel they no longer have any real ability to help people, but feel more like enforcement officers. Their frustration is so high that some members are now working alternative employment. Participating in a system designed to punish people, not to help them, is intolerable.

Workfare can reduce jobs and drive down wages. The Economic Policy Institute in Washington estimates that if all workfare participants in New York found jobs, but no new jobs were created, wages for the bottom third of the workforce would drop by more than 10%. In other instances, the employed and unemployed will switch places, and still others, homelessness will simply increase.

The treasury in New Zealand has estimated that for every four workfare placements created one job would be lost.

Quebec changed its welfare program dramatically when a poll of participating employers found that 50% would have hired workers at real wages had workfare participants not been available.

Workfare is a job killer. We represent workers in many of the community agencies that have rejected workfare. Our members know about the studies that show that workfare does not lead to work. The government has cut these agencies. Some agencies even feel their funding will be at risk if they resist the pressure to accept and monitor people on workfare placements. They feel they have been conscripted into the government's workfare scheme, that they are forced to supervise welfare recipients. At the same time, they feel their jobs are threatened and the government has undervalued their work.

Now the Ontario government is proposing to subsidize private sector employers if they hire workfare participants. The poor will be working for substandard wages. Moving workfare into the private sector means that everyone's job is now vulnerable. The unemployed, contract workers and summer students will be competing with \$3-an-hour workfare participants. Downsized workplaces will be able to access cheap workers.

Large corporations in the United States now rely on subsidized workfare workers instead of paying decent wages. To paraphrase a prominent leadership candidate for the federal Conservative Party, we now have socialism for large corporations and rugged individualism for the poor. Bill 22 has prescribed and enforced rugged individualism for persons on workfare placements.

We are in favour of policies that encourage the creation of decently paid and relatively secure jobs. We are in favour of voluntary, publicly delivered educational and training programs to assist people to get these jobs. Under previous government programs there were waiting lists for programs that assisted people to find employment. We see the provision of high-quality, publicly regulated child care as a condition to helping people join the workforce.

CUPE, the Ontario Social Safety Network and other groups have recommended that any programs must be governed by certain principles including people must not be forced to take part in such programs; training should be paid and work expenses should be covered, including clothing and transportation costs; good child care must be provided; any training must be useful; mentoring and training that can lead to genuine employment should be part of any program; programs must not eliminate jobs or potential jobs; people working in programs must be paid a fair living wage. Participants should be covered by labour legislation, including employment standards, health and safety, workers' compensation and human rights laws. People who lose their benefits must be able to appeal to an independent tribunal. Programs should not be started unless resources are available to do them properly.

Bill 22 will prevent someone on a workfare program from exercising his or her fundamental freedom to join a union and have the terms and conditions under which he or she participates determined through collective bargaining or strike. One thing this legislation does is clarify for everyone that work done by people on workfare programs is work; otherwise the government would not feel compelled to introduce this legislation.

Minister Ecker claimed in a presentation that it was a myth that people on workfare programs did not receive workplace protections that others received. We disagree. Legislation barring people from their

fundamental constitutional right of freedom of association is a very serious violation. The whole purpose of this legislation is to discourage and prevent people from joining unions.

Aside from being a violation of our constitutional rights, Bill 22 also contravenes our international obligations. Freedom of association has been well established as a fundamental human right for at least 50 years. It is prominently referred to in the Universal Declaration of Human Rights. Its status as a basic human right was reaffirmed in the covenants of the United Nations adopted in the 1960s. It is referred to as a fundamental democratic right in the constitution of the International Labour Organization, the UN agency that deals with labour matters.

Canada is a signatory to the ILO convention number 87 concerning freedom of association and protection of the right to organize, which has been interpreted by the ILO to protect the right of employees to bargain freely with employers and the right to seek to improve their working conditions through trade union representation and collective bargaining. This bill, if passed, is a very serious breach of all our fundamental freedoms.

We also believe workfare constitutes discrimination on the basis of social condition, a violation of our constitutional equality rights and a violation of the UN International Covenant on Economic, Social and Cultural Rights.

The minister makes it clear that the bill was introduced as the direct result of some Ontario labour leaders attempting to sabotage welfare reform. They have been actively harassing community agents participating in Ontario Works and they are now attempting to unionize welfare recipients. Seventeen thousand New York City workfare participants recently signed union cards. Most of them had been working for the city for more than three years, often side by side with real municipal employees. They have become part of the permanent labour force. They want to be treated as such.

It is these kinds of reports that have inspired anti-poverty groups, social justice groups and unions to consider this strategy to prevent the exploitation of persons on workfare. Maybe it is time this government started listening to social justice groups, religious groups and the union movement instead of cynically trying to create a media-orchestrated attack on unions on the backs of vulnerable people on welfare.

These are serious human rights violations that this government is considering with the introduction of this bill. The labour movement, with our community partners, has been working to prevent the victimization of persons in receipt of welfare. We have been trying to promote job creation policies and employment programs to help people find work. We vehemently disagree with this government's so-called welfare reform.

Decently paid, secure jobs are the only solution to the welfare problem. Social assistance recipients who are capable of working want jobs. The majority collect welfare for less than four months, not for a lifetime, despite the fact that these are desperate times and jobs are not that easy to find.

Workfare is bad policy. Don't let workfare become a way of existence as it is in the United States, where a permanent part of the workforce is dependent on workfare programs, the most minimal existence. Get rid of Bill 22 and workfare, and stop the creation of a two-tier workforce.

The Chair: Thank you very much. That allows us approximately two minutes per caucus and we begin with the third party.

1450

Mr Kormos: Thank you kindly, sister. I appreciated especially your introductory comments about the role of so-called caseworkers. I don't know what the current language is.

Ms Gunnell: They change them all the time.

Mr Kormos: My first career was in social services and what I'm hearing from caseworkers is that they

are overloaded in terms of numbers of cases because they've been reduced in numbers. They would dearly love to deal with individual households, families, recipients and talk about designing things, like upgrading programs, retraining programs, adult ed, dealing with problems that women have, single mothers with day care, a whole plethora of solutions that are available on a case by case, individual by individual basis. My sense from talking to these folks - you know what, Chair? We should have had some of the caseworkers here.

Ms Gunnell: Teresa was scheduled next. She's with her brother in hospital in London so unfortunately she's not going to be here.

Mr Kormos: There is no adult ed in most communities any more. Day care is increasingly difficult for women to access. Welfare discourages post-secondary training. There are disincentives to pursue post-secondary training like community college. This is nuts. There are real ways to deal with individuals and families and households who find themselves jobless even in an economy where high unemployment is encouraged, but none of this approaches any of that. This is just so nuts, isn't it?

Ms Gunnell: It's just like a meat market. To me it's a meat market.

Mr Kormos: Why wouldn't this government be approaching this in a far more realistic way?

Ms Gunnell: The government is only concerned about the numbers. They don't care if they've got a job; they're off the welfare rolls, on Ontario Works, but they're not getting paid.

Mr Kormos: And Ontario Works ain't working.

The Chair: We'll move to the government members.

Mr Dave Boushy (Sarnia): I know there have been some comments that the poor have been attacked by our government so let me just mention a few facts. Welfare payments in Ontario are approximately 15% over the average anywhere. I want you to know that.

Ms Gunnell: Over the average what?

Mr Boushy: Over the average in Canada. This is fact. This has been substantiated. So we have no attack on the poor.

On workfare, we just met today with some people in Chatham. We were told, and it's again a fact, that over 500 people have been placed in the community. I am from Sarnia and I state to you the fact that over 300 have been placed in the community. That's another fact. The greatest majority of recipients involved in the program are pleased to have registered for the program in Chatham-Kent and Sarnia-Lambton. These are facts and I want you to know that.

The question I have for you is, organized unions, organized workers earn wages; also, the unions collect dues, approximately 1% of wages. In Ontario, the question is, has a union ever organized volunteers? If not, why are volunteers being targeted? And what percentage of welfare cheques do you estimate they would be charged or what dues would they have to pay?

Interruption.

Ms Gunnell: I question how happy the participants are, what little choice the participants have to join these programs. If there were that many jobs available in Chatham or Sarnia, then those jobs should have been opened. If they were unionized jobs, they should have been unionized. They shouldn't still be on the welfare rolls.

The Chair: We'll now move to the official opposition.

Mrs Pupatello: Thanks so much for coming up from Windsor. You've been very active in our community. I'm glad to see you're here and I apologize on behalf of the government members for

refusing to hold hearings in Windsor. They find our welcome in Windsor far too warm for them, and I want to thank you for that as well. In any event, I am sorry that we can't be in my own hometown to talk about the failings of workfare, because it has indeed been the biggest, most abysmal failure of any program anywhere.

Mr Klees: It's not failing.

Mrs Papatello: And Mr Klees says it isn't failing. So here we have this conundrum. Which do we believe? Do we believe that workfare is working and it's so wonderful, or do we believe that they have to bring forward Bill 22 because "It's the big bad union that won't let workfare work"?

Interruption.

Mrs Papatello: Mr Chair, will you be active at all with this last group?

The Chair: Yes. Order.

Mrs Papatello: Thank you. In any event, here we have it. It's either working or it isn't working. If it's working, we're to go on this tour of Ontario to show all these wonderful sites of workfare and how happy and contented these people are so we can have the Conservative members go on the lunch hour to lay their hands on the heads of the people so that we can see how happy they are in these workfare placements. Or are we to believe that in fact it's an abysmal failure, all of the facts of which we have to collect through freedom of information because this government won't give us the numbers, to find that only 3% of all welfare recipients are in fact in any kind of placement at all, that the bulk of those people are in voluntary programs, which would blow their case wide open for the fact that there is any workfare existing in Ontario?

Having said that, we come here saying we're either in favour of Bill 22 or we're not, or we want it, we don't need it, we need it because it's not working, but we come here on hearings so we can hear how it's working. This is what I'm doing in Chatham today, making, as Mr Kormos has pointed out - obviously more than I was the first term I was an MPP, and I'm embarrassed to have Windsorites find out what I'm doing for a living today because these people refuse to have the PC Party pay for this kind of propaganda. I'm hoping that you'll be an accomplice with me, and when we get back to Windsor you'll make sure that people understand we really are trying to do our job.

The Chair: Thank you very much, Mrs Papatello, and thank you very much for coming forward today. We very much appreciate that.

I call for the next presenter, the Canadian Union of Public Employees, Local 543. Not here?

SUSAN SMITH

The Chair: We'll call on the next presenter, Susan Smith. Thank you for coming. You may begin.

Ms Susan Smith: My name is Susan Smith. I'm here from London and I'm speaking as an individual, as a citizen. I would like to offer my thanks to the clerk and his staff for their assistance. I'm one of the other dwarfs from London West. I'm not Narcolepsy and I'm certainly not Happy.

This is a really interesting piece of legislation. Probably never before the term of office of this government have I been as active in responding to bills, and of course, it was important to start pretty early, because you picked October 31, 1995, to nail in place Bill 7 which, among other things, disaggregated full- and part-time workers from the same collective bargaining unit. This is like a chess game. These are real set pieces you're playing, and I'm probably going to tell you exactly what I think about what you're doing.

This reminds me of Ten Lost Years. I don't know if any of you had the opportunity to attend performances of that play at Canadian and Ontario universities in the 1970s, but - I'm speaking to government members now - this is, by and large, what you are making this province feel like to me and

some other people. It also reminds me of reactions that came to the fore in the anti-apartheid movement, and I'll just state it quite simply. You have touched a woman's anger and you have struck a rock.

I don't know if Janet Ecker is going to get a chance to redeem her political career and get up off her knees, based on what she has obviously been learning in the backrooms of the Tory party, particularly while you were in opposition. I've never heard of anybody begging constitutional challenges to this extent, and to all the other arguments that you've heard today. The only one I would mention, because I haven't heard it already, is that the unconstitutionality of discriminating against people under the age of 65 doesn't make your politics very pretty. Even if you're playing to demographics, you will not win.

The national child benefit is not being clawed back in New Brunswick or in Newfoundland, but in Ontario I would just like to tell you of the impact that it has on our community of London for the month of August: 62 families will lose their social services benefits for the month of August because of the treatment by the provincial government of what is supposed to be a national child benefit. Janet Ecker cannot beg anyone's credulity by arguing that it's going to go into programs for healthy moms, Healthy Babies, Healthy Children.

1500

The major context in which I look at the amount of money being spent because of the other dwarf from London West falling asleep on your agenda, but on taxpayers' money and time, is that 62 families of members of the Ontario Legislature aren't faced with that kind of situation. I want you to think about your own situations for just a minute. It just took a little bit of research, so in the background papers that I gave to the clerk, just do a little bit of cut and paste and compare and contrast the benefits for members of the Ontario Legislature.

In eight short years, between January 1988 and April 1996, remuneration more or less doubled for members of the Ontario Legislature. But in addition to that, in the Legislative Assembly minutes - I guess if you were going to operate on ideology and it's very clear that you are - your hypocrisy doesn't extend to saying, "But everyone should have the Board of Internal Economy as your collective bargaining agent." I just want to point out a few of the benefits that you do enjoy because of that.

You only need a quorum of the Speaker, Chris Stockwell - although he wasn't brought into the forefront at the beginning of the life of this current government; we know how hot he was getting about wonderful bills like Bill 7 and Bill 15. It's not a pretty picture, but politics isn't pretty and I don't want to go there. A quorum of the Board of Internal Economy consists of the Speaker, one commissioner who's appointed from among the members of the executive council, ie, the cabinet, who probably is using a bit of input from the backbenchers - I'm quite convinced of it actually - and one other commissioner who will be one person from any other political party represented in the Ontario Legislature.

The Board of Internal Economy may determine its rules and methods of procedure and shall keep a minute book. But then we go on. Actually, cancelled cheques, with the permission of the Provincial Auditor, can be destroyed at any time. There are all kinds of powers in the Board of Internal Economy that you are hypocrites not to acknowledge. It's one of the best collectively bargained situations you could ever be represented by.

As a regular citizen who quite likes democracy, I'm offended that over the lunch hour I put cold, hard cash in to pay Bell Canada to make my important long-distance phone calls; I was not using an OCN booklet number. There are a number of benefits that accrue to members of the Legislature. I'll just mention a few since half your families are not faced with the prospect that around 62 families in London were faced with earlier this month.

In fact the act goes on to all kinds of things, remarkable things like competency and compellability, but also service of civil process. There are restrictions on how you are civilly processed when you have the privilege of being a member of the provincial Parliament. Powers and privilege: There's a whole section that's actually called that. Staff and office equipment; retirement allowances, some age restrictions; fees, with some restrictions on your acceptance of fees while in office even though your base pay is \$78,007 a year; immunity; the estimates of the Board of Internal Economy, members' compensation: these are all

sections in bills.

I'll remind you, you got your catch-up on the social contract with Bill 42. Most of the bills I have focused on are the ones you passed in the first half of this current Parliament. I think it's a record: three days for that bill to be in place, prior to the end of August 1996 when your new paycheques were cut to you, the one-twelfth of social indemnity. You went back to January 1, 1992, so that the social contract didn't touch you. You got your catch-up right away, I guess because you can do it. I guess that's the reason. It paints an interesting picture. There's quite a bit of lying going on; "mendacity" I think is the pretty word. There's a lot of hypocrisy, and that's not serving the citizens of this province.

Boy of boy, government members, you people in charge of the economy, this is not a good picture. Even while the Ontario economy is booming, we can't afford you. You are cutting back social assistance recipients, the people who recycle every penny in your local economy, my local economy. None of that money is going into money markets in Southeast Asia. It's all being recycled in the local economy.

There's another point I'd like to make. I currently am represented at every level of elected office - municipally, federally, provincially. The current incumbents have all raised their pay in this term of office. I don't know if Herb Gray was the one who introduced the bill for the federal government, but it was certainly Rob Sampson getting his payoff to become the minister responsible for privatization that he brought in the pay raise bill, let's call it, and the immediate catch-up on the social contract. His payoff was a minister's portfolio for privatization.

If you really wanted to help the economy, you could lower the provincial retail sales tax and raise the minimum wage. The last time I spoke to a committee was almost two years ago on Bill 49, about employment standards, and I did not get any satisfaction there. We've been through a federal election where the federal Liberals were patting themselves on the back, breaking their arms, because they were claiming they'd raised in Ontario the federal minimum wage by 58%. That's right, it went from \$4 to \$6.85 an hour, while you continue to freeze it. It has been frozen for three and a half years, at \$6.85 an hour.

I don't understand how the economy can afford you. It's such a major screw-up, and then wanting to throw money at constitutional lawyers because - oh I guess you're perverts, I don't know. To me, it's a perverted thing to want to throw money at lawyers. I still think you need to think about half of your membership in the Ontario Legislature having families to deal with the situation that 62 families in London deal with, because the national child benefit is clawed back and the social assistance benefits for a family are lost. Government is cleaving itself to an ideology and I personally, obviously, am expressing I do not recognize where it comes from.

I'd like to entertain some of your questions. I'll only say that in addition to the money you're wasting, maybe the London Free Press covered the cheque signed by Ernie Eves for the Summer Games in London because they were also getting a paid ad for this committee. This bill is three paragraphs long. The level of incompetence that brings you here I understand is ideological, completely political. I want to answer your tough questions because when I ask myself, "Why do you do it?" I'm only ever going to be able to picture Rob Sampson, Ernie Eves, and why did you do it? Why did you raise your pay? Why do you cut social assistance recipients? Why? Why do dogs lick their genitals?

I'd be happy to answer your questions.

The Chair: That allows us a little over two minutes per caucus. We begin with the government.

Mr Skarica: Basically, you've portrayed a picture of politicians as fat cats and we're here somehow lining our pockets.

Ms Smith: Hypocrites.

Mr Skarica: I can tell you that before I came here, I was making substantially more than I'm making now. Mr Kormos over there as well, when he ran, was making substantially more than when he got elected. For you to portray us as licking our genitals, I find that quite offensive and insulting. I don't

know how you expect that by insulting people they're going to come around and be swayed by your arguments.

Mr Kormos: It's not what she said.

Ms Smith: Your legislation insulted me first.

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Mrs Pupatello: You've brought forward some of the same points we've been making all day and in fact in all the cities we've been to. I am embarrassed to be part of this charade of hearings where the members from the government side made it very clear early on that this is very much an ideological position, that they were not prepared to change anything. The whole point was that it simply replaced a clause they slept through, so obviously they're not planning to change it. This is the clause they slept through. It's only one paragraph. They made it into a whole bill. They sent it to more hearings than the original bill ever got. It was clearly because they made a mistake. How much respect might the public have had for them had they said, "Look, we made this mistake and we're going to do this; we're not going through a change of hearings"?

Then it went through the political machinery back there at Queen's Park, where they could find a way to use Ontario taxpayer money instead of Progressive Conservative Party money, which they've got lots of. Most governments in government - that party has a great deal of ability to fund-raise, this party especially.

Ms Smith: And the taxpayers subsidize it again, even that.

Mrs Pupatello: Even that is subsidized, I agree. So the very idea that we're doing this makes me laugh. Actually, we should laugh, but it's serious. This is real life here.

I think about the \$800,000 ad campaign the government launched the day we were last in London, for Bill 142. The bill hadn't passed in the House yet and they launched a campaign that included radio and newspaper advertising telling the same people they mail a cheque to, by the way, about workfare. That was the point, so obviously it had some other hidden purpose which of course was to paint the picture, "These guys are making people work for their benefits." That's what they said during the election campaign, that's what got them elected and that in fact is not happening by miles, not happening by 97%.

Can you imagine the failure? Any government that would fail so abysmally at such a huge failure rate deserves to get the door next time around. I sincerely hope that happens and that people will recognize failure for what it truly is.

Ms Smith: I've actually tried to avoid ad hominem arguments, but really on a personal level, when you talk about people's volunteer work and volunteer efforts - I'm looking at somebody right now - I hope your mother never voluntarily donated labour to breast-feed you.

Mr Kormos: Thank you. As you posed your final sentence, your question, I understand that Bill Clinton is probably answering that question, as we sit here, in the secret hearings of the grand jury in Washington.

I suppose my concern, and you're wrapping this up today - we debated Bill 142, we are dealing with Bill 22 now - is that from day one there's been a failure on the part of the debate to be focused on who is poor in our province, why they're poor and how you address meaningfully the broader issue of poverty.

I approach that with some assumptions based on just my day-to-day life experience. Seniors tend to be poor, women tend to be poor, students tend to be poor, unemployed people tend to be poor and even certain classes of workers tend to be poor. It seems to me that the far more important question the Legislature should have been dealing with was to start to understand poverty and why certain people, because of their gender, because of their age, because of their class or their station in life, are inherently poorer, not because they're lazy or slothful or less deserving.

Part of my concern is that this government, with its ideology, creates this impression of poverty as deviant behaviour, poverty as deviance, hence their therapeutic and tough love type of power.

Ms Smith: Electoral power doesn't indicate any level of intelligence or understanding, necessarily. If you're looking at the root causes of poverty, I personally make believe that people want to deal with that, to fix it. It's still a very basic economic tenet that lower-income people continue to recycle their money, their assets and their labour, because there is all kinds of unaccounted-for labour, that's not calculated in the GDP, recycled in the local economy.

It really makes sense to honour that, not to cut that. The ideology of this government simply is something that Ontario, as it changes quickly - I actually believe the demographics of who is poor or who has challenges for income and cash income aren't necessarily as cut and dried as mostly seniors, because then the issue is, who has assets? What is equity in assets?

The intergenerational transfer of wealth that is currently in the dramatic flux that we live with in Ontario and in Canada and in North America and other parts of the globe is something that should be keeping you people on the ball instead of this nuttiness, this nonsense.

The Chair: Thank you very much for your presentation. We very much appreciate your coming forward today.

This committee stands recessed until 10 am tomorrow.

The committee adjourned at 1516.



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